

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 30] नई दिल्ली, शनिवार, जुलाई 27, 1968/श्रावण 5, 1890
No. 30] NEW DELHI, SATURDAY, JULY 27, 1968/SRAVANA 5, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 15 जुलाई, 1968 तक प्रकाशित किये गये :—

The unmentioned Gazettes of India Extraordinary were published up to the 15th July, 1968.

Issue No.	No. and Date	Issued by	Subject
240	S.O. 2442, dated 9th July, 1968.	Ministry of Food, Agriculture, Community Development and Cooperation.	Corrigendum to S.O. 2155, dated 15th June, 1968.
241	S.O. 2529, dated 7th July, 1968.	Ministry of Finance.	Delegation of Powers to every Gold Control Officer of the rank of Collector of Central Excise or of Customs by its Administrator.
	S.O. 2530, dated 9th July, 1968.	Do.	Amendments in the notification No. F. 3/56/65 G.C. II, dated 20th December, 1965.
242	S.O. 2531, dated 9th July, 1968.	Ministry of Home Affairs.	Further modifications in the Punjab University Act, 1947.
243	S.O. 2532, dated 10th July, 1968.	Ministry of Commerce.	Quality, control and pre-shipment inspection of hessian bags.
	S.O. 2533, dated 10th July, 1968.	Do.	Recognition of the Indian Standards Institution Certification Mark with respect to the hessian bags.

Issue No.	No. and Date	Issued by	Subject
244	S.O. 2534, dated 10th July, 1968.	Ministry of Commerce.	Appointment of some persons as members of the Coffee Board specified in the table therein.
	S.O. 2535, dated 10th July, 1968.	Do.	Appointment of Shri R.T. Parthasarathy, Member of the Rajya Sabha to be a member of the Coffee Board.
245	S.O. 2536, dated 12th July, 1968.	Ministry of Law	Calling upon the elected members of the Legislative Assembly of the State of Haryana to elect two members for the Council of States.
246	S.O. 2537, dated 12th July, 1968.	Ministry of Commerce.	The Export of De-oiled Rice Bran (Quality Control and Inspection) Amendment Rules, 1968.
	S.O. 2538, dated 12th July, 1968.	Do.	Further amendments in the notification No. S.O. 3608, dated 16th November, 1965.
247	S.O. 2539, dated 12th July, 1968.	Election Commission of India.	Appointment of dates for the biennial election to the Council of States of Haryana State.
	S.O. 2540, dated 12th July, 1968.	Do.	Designating the Secretary, Haryana Vidhan Sabha, Chandigarh, to be the Returning Officer for the biennial election to the Council of States of that State.
	S.O. 2541, dated 12th July, 1968.	Do.	Appointing Shri Manohar Lal Sehgal, Superintendent, Haryana Vidhan Sabha Secretariat, Chandigarh to assist the Returning Officer in the biennial election to the Council of States of that State.
	S.O. 2542, dated 12th July, 1968.	Do.	Fixation of hours for the biennial election to the Council of States in the State of Haryana.
248	S.O. 2543, dated 12th July, 1968.	Ministry of Industrial Development and Company Affairs.	The Cinema Carbons (Control) Amendment Order, 1968.
249	S.O. 2544, dated 13th July, 1968.	Ministry of Commerce.	Amendment to the notification No. S.O. 3975, dated 20th December, 1965.
250	S.O. 2545, dated 15th July, 1968.	Do.	Quality, control and preshipment inspection of vinyl film and sheeting.

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जायेंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़ कर)

केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 20th July 1968

S.O. 2620.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission, in consultation with the Government of Haryana, hereby nominates Shri Ishwar Chandra, Secretary to the Government of Haryana, Home Department as the Chief Electoral Officer for the State of Haryana from the 29th June, 1968, (AN) vice Shri P. N. Bhalla.

[No. 154/17/68.]

By order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 3rd July 1968

S.O. 2621.—In continuation of the notification of the Government of India in the Ministry of Education No. 6(5)/66-Wakf, dated the 23rd December, 1966, and the notification of that Government in the Ministry of Law (Legislative Department) No. 4(3)/67-Wakf, dated the 19th July, 1967, and in exercise of the powers conferred by sub-section (1) of section 72 of the Punjab Re-organisation Act, 1966 (31 of 1966), the Central Government hereby directs that so long as the Board of Wakfs constituted for the former State of Punjab continues to function and operate as an inter-State body corporate in the areas in respect of which it was functioning and operating immediately before the 1st November, 1966, the powers of the State Government under Sections 11 and 17, of the Wakf Act, 1954 (29 of 1954), shall be exercisable by the Central Government.

[No. F. 12(11)/68-Wakf.]

N. D. P. NAMBOODIRIPAD, Jt. Secy.
& Legislative Counsel.

विधि मंत्रालय

(विधायी विभाग)

नई दिल्ली, 3 जुलाई 1968

एस० ओ० 2622.—भारत सरकार के शिक्षा मंत्रालय की अधिसूचना सं० 6 (5)-66-वक्फ, तारीख 23 दिसंबर, 1966 के तथा उस सरकार के विधि मंत्रालय (विधायी विभाग) की अधिसूचना सं० 4(3)-67 वक्फ, तारीख 19 जुलाई, 1967 के क्रम में और पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 72 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निदेश करती है कि उस समय तक जब तक कि पूर्वतर पंजाब राज्य के लिये गठित

वक्फ बोर्ड अन्तर्राज्यिक निगमित निकाय के रूप में उन क्षेत्रों में कृत्यशील और प्रवर्तनशील रहता है, जिनकी बाबत वह 1 नवम्बर 1966 के अव्यवहित पूर्व कृत्यशील और प्रवर्तनशील था, वक्फ अधिनियम, 1954 (1954 का 29) की धाराओं 11 और 17 के अधीन राज्य सरकार की शक्तियाँ केन्द्रीय सरकार द्वारा प्रयोज्य होंगी।

[सं० फा० 12 (11)/68-वक्फ]

एन० डी० पी० नम्बुद्रिपाद,

संयुक्त सचिव और विधायी परामर्शी।

MINISTRY OF HOME AFFAIRS

New Delhi, the 15th July 1968

S.O. 2623.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules to further amend the Manipur Employees (Revision of Pay) Rules 1966.

These rules may be called the Manipur Employees (Revision of Pay) Rules, 1968.

In Schedule to the Manipur Employees (Revision of Pay) Rules 1966:—

- (i) Under the heading "Education Department" for the existing entries under column 3 against item No. 6, the following entries shall be inserted:—

Rs. 200-12.50-250-EB-12.50-275-15-350-EB-15-500.

One advance increment for Honours Graduates and two advance increments for Master's Degree holders of Class not below Class II. In case of persons newly appointed, the revised scale shall be applicable to graduates only.

- (ii) Under the heading "Education Department" for the existing entries in column 4 against items No. 52 and 53 the following entries shall be inserted.

"Grade pay plus Rs. 20 per month as special pay".

[No. 1/16/65-HMT.]

New Delhi, the 19th July 1968

S.O. 2624.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the President hereby makes the following rules further to amend the Manipur Employees (Revision of Pay) Rules, 1966.

2. These rules may be called the Manipur Employees (Revision of Pay) Amendment Rules, 1968

3. In schedule to the Manipur Employees (Revision of Pay) Rules, 1966:—

- (i) Under the heading "Public Works Department" for the existing entries against item No. 26, the following entries in columns No. 1, 2, 3 and 4 respectively shall be inserted:—

26. Cleaner.	Rs. 35—1—45	R. 85—1—90—2—100—2.50—105—3—135.
Assistant Operator.		
Handyman.		

- (ii) Under the heading "Public Works Department" after item No. 26, the following entries in columns No. 1, 2, 3 and 4 respectively shall be inserted:—

26. A Weirman (Water Works)	Rs. 30—1—45.	Rs. 85—1—90—2—100—2.50—105—3—135.
-----------------------------	--------------	-----------------------------------

[No. 1/16/65-HMT.]

R. C. JAIN, Dy. Secy.

New Delhi, the 17th July 1968

S.O. 2625.—In pursuance of sub-rule (2) of rule 9, clause (b) of sub-rule (2) and sub-rule (3) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and in supersession of this Ministry's notification No. F. 15/4/60-VIG dated the 20th December, 1960, the President hereby makes the following amendment in the Schedule to the notification of the Government of India, in the Ministry of Home Affairs No. S.R.O. 628 dated the 28th February, 1957, namely:—

In the said Schedule,—

(i) in Part II-General Central Service, Class III, after the existing entries, the following entries shall be added, namely:—

1	2	3	4	5
<i>Secretariat Security Force</i>				
Junior Commissioned Officers.	Chief Security Officers, Secretariat Security	Chief Security Officer, Sectt. Security	All	Jt. Secretary in charge of Administration.

(ii) in Part III-General Central Service, Class IV, after the existing entries, the following entries shall be added, namely:—

1	2	3	4	5
<i>Secretariat Security Force</i>				
Sepoys/Naiks/Havildars.	Chief Security Officer, Sectt. Security	Chief Security Officer, Secretariat Security	All	Deputy Secretary

[No. F. 1/36./67.-A.d.I(A).]

G. W. BALCHANDANI, Dy. Secy.

New Delhi, the 18th July 1968

S.O. 2626.—The Central Government is pleased to notify that Maharaj Kumar Hanvantsinhji son of the Ruler of Kutch (Gujarat) has been nominated by the said Ruler for the purpose of entry 2(b) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59(V)-P. IV, dated the 13th July 1962 (GSR 991, published in the Gazette of India, Part II, Section 2, Sub-Section (ii) dated the 28th July, 1962).

[No. F. 16/23/67-P. IV.]

G. S. KAPOOR, Under Secy.

गृह मंत्रालय

नई दिल्ली, 18 जुलाई 1968

एष० श्रौ० 2627.—भारत सरकार को यह अधिसूचित करते हुए हर्ष है कि कचठ (गुजरात) के शासक क पुत्र महाराजकुमार हनवन्त सिंह जी, गृह मंत्रालय की 13 जुलाई 1962 की अधिसूचना सं० 15/13/58-(V)-सी०-पु०-IV क साथ संलग्न प्रथम अनुसूची की प्रविष्टि 2

(ख) भारत क राजपत्र भाग-II खण्ड 3, उपखण्ड (II) दिनांक 28 जुलाई 1962 में प्रकाशित जी० एस० आर० संख्या 991 के लिए उक्त शासन द्वारा नामित किये गए हैं।

[स० 16/23/67-पुलिस-4.]

गौरीशंकर कपूर, अवर सचिव।

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 20th July 1968

S.O. 2628.—In exercise of the powers conferred by Section 282 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following Rules further to amend the Indian Pilgrim Ships Rules, 1933, the same having been previously published as required by the said section, namely:—

1. (1) These rules may be called the Indian Pilgrim Ships (Amendment) Rules, 1968.

(2) They shall come into force on the 1st August, 1968.

2. In the Indian Pilgrim Ships Rules, 1933, in sub-rule (2) of Rule 124 for the words "A fee of ten rupees" the words "A fee of twelve rupees" shall be substituted.

[No. M. II-1181(19)/67.]

S.O. 2629.—Whereas the Central Government is of opinion that the system of booking accommodation in pilgrim ships for Haj pilgrims specified in the Schedule annexed hereto should be enforced during the Haj season in 1969.

Now, therefore, in exercise of the powers conferred by Section 456 of the Merchant Shipping Act 1958, the Central Government hereby exempts Messrs Mogul Line, Bombay and every other shipping company engaged in pilgrim traffic from Bombay to the Hejaz, from such provisions of the said Act and the Indian Pilgrim Ships Rules, 1933, as are not in conformity with the aforesaid system of booking accommodation in pilgrim ships carrying pilgrims from Bombay to Jeddah during the 1968-69 Haj.

THE SCHEDULE

System of Booking Accommodation at Bombay for Haj Pilgrims

1. *Schedule of Sailings.*—Every shipping company shall announce a provisional schedule of outward sailings as soon as possible. Firm dates of sailings shall be advertised by the Shipping Company at least 15 days in advance as required under the provisions of the Merchant Shipping Act, 1958. The Penal Provisions of the Merchant Shipping Act, 1958, shall operate with reference to the firm sailing dates as advertised.

2. *Advance reservations of passages.*—(i) Reservation lists for all sailings announced in the provisional schedule shall be opened by the Company simultaneously and intending pilgrims will have the option of availing passages in whatever ship they like. Such reservations shall be made only on payment of full passage money by the applicants (adults and children) for first and deck class (according to the details which may be specified in the announcement of the outward sailing programme of the Shipping Company) accompanied by applicant's full particulars with five copies of their photographs (in case of male applicant) out of which one will be pasted on the application for reservation of passages. When reservations of a particular ship are complete, the Shipping Company shall refuse to accept any further deposits for that particular ship.

(ii) A cabin class pilgrim may make an application for reservation of a deck passage for his servant.

3. *Waiting List.*—After reservations have been made to the full extent of the quota fixed by the Government, a Waiting List will be maintained upto 5 per cent of the quota.

4. *How to obtain tickets.*—All persons who may have made advance reservations of passage shall have to obtain their tickets at least 4 days before the sailing date. Such of the persons as fail to obtain tickets 4 days in advance shall be deemed to be not travelling in those ships. Passages not previously booked in particular ships or released by passengers who do not obtain their tickets 4 days in advance shall be offered to the persons in the waiting list strictly in accordance with the seniority of applications.

5. *Mode of remitting advance passage money.*—The passage money shall be sent in advance alongwith the applications for passages and shall, as a rule, be sent by bank drafts by the applicants under registered cover; but pilgrims residing in places where banking facilities are not available shall, as a special case, send the passage money by insured covers.

6. *Treatment of the advance fare when the passage is not availed of.*—When a person has reserved his passage, and does not intend to avail of the same and gives notice of his intention within the time limit notified by the Shipping Company then his advance passage fare shall be refunded in full.

(ii) In the case of a person who has reserved his passage but is prevented from availing of the same due to unforeseen circumstances such as death in the family, the passage fare may be refunded to him in full; any dispute that may arise shall be referred in the first instance to the Chairman, Haj Committee, Bombay, and if the Chairman's decision is not acceptable to the pilgrim concerned or to the Shipping Company, the Chairman shall refer the matter to the Presidency-Magistrate or the Magistrate of the first class exercising jurisdiction in the Port. The decision of the Magistrate shall be final and any amount allowed to him by such decision shall be refunded to him.

(iii) A person who has reserved his passage by a particular ship but is unable to avail of the same and desires to travel by a subsequent ship, may be given full credit in respect of his advance passage fare towards the cost of passage.

(iv) In all other cases where a person has reserved his passage but does not give timely notice as stated above, a deduction of 10 per cent will be made while refunding the amount paid by him.

(v) When a person who has got his name registered on the waiting list and is not offered any passage, the amount paid by him as deposit, shall be refunded to him in full.

7. *Scrutiny.*—The records of the Shipping Company in respect of reservation of passages as well as waiting lists shall be open to scrutiny by the Central Government, Chairman of the Haj Committee, Bombay, Executive Officer, Haj Committee, Bombay or 2 members of the Haj Committee, Bombay, nominated by the chairman or any officer or officers nominated by the Committee for this purpose.

[No. M.II-1180(59)/68.]

R. K. MEHRA,

Attache (AP)

विदेश संचालय

नई दिल्ली, 20 जुलाई 1968

एस० ओ० 263०.—व्यापारिक नौवहन अधिनियम, 1958 (1958 का 44) की धारा 282 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्र सरकार भारतीय यात्री जहाज नियम, 1933 में और आगे संशोधन करने के लिए निम्नलिखित नियम बनाती है, यह पहले ही प्रकाशित किया जा चुका है, जैसी कि इस धारा में अपेक्षा की गई है, यथा :

1. (1) ये नियम भारतीय यात्री जहाज (संशोधन) नियम, 1968 कहलाएंगे ।
- (2) ये 1 अगस्त 1968 से लागू होंगे ।

2. भारतीय यात्री जहाज नियम, 1933 में नियम 124 के उप-नियम (2) में “शुल्क के दस रुपये” के स्थान पर “शुल्क के बारह रुपये” कर दिया जाए।

[सं० एस-II-1181 (19)/67.]

एस० नो० 2631.—चूंकि केन्द्रीय सरकार का विचार है कि 1969 में हज के दिनों में हज-यात्री जहाजों में हज यात्रियों की जगह बुक कराने के लिए संलग्न अनुसूची में बताए गए तरीके का पालन किया जाना चाहिए।

इसलिए, अब व्यापारी जहाज अधिनियम, 1958 (मर्चेंट शिपिंग एक्ट, 1958) की धारा 456 के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्र सरकार इसके द्वारा सर्वश्री मुगल लाइन, बम्बई, को और बम्बई से हज यात्रियों को ले जाने का काम करने वाली प्रत्येक जहाजरानी कम्पनी को 1968-69 की हज के लिए उक्त अधिनियम की ऐसी व्यवस्थाओं से और भारतीय यात्री जहाज नियम, 1933, से भी छूट देती है जो यात्रियों को बम्बई से जहाज ले जाने वाले यात्री जहाजों में जगह बुक कराने के उक्त तरीके से मेल नहीं खाती।

अनुसूची

बम्बई में हज यात्रियों के लिए जगह बुक करने का तरीका

1. जहाजों के छूटने का कार्यक्रम :—प्रत्येक कम्पनी जल्दी-से-जल्दी जब हो सकेगा अपने जाने वाले जहाजों का अस्थायी कार्यक्रम घोषित कर देगी। जहाजों के छूटने की ठीक-ठीक तारीखों की घोषणा जहाजरानी कम्पनी कम-से-कम 15 दिन पहले कर देगी जैसा कि व्यापारी जहाज अधिनियम, 1958 की व्यवस्थाओं के अन्तर्गत करना होता है। व्यापारी जहाजरानी अधिनियम, 1958 की दण्ड-विषयक व्यवस्थाएं जहाज छूटने की विज्ञापित पक्की तारीखों से लागू होंगी।

2. यात्रा के लिए अग्रिम आरक्षण :—(1) कम्पनी, अस्थायी अनुसूची में घोषित सभी जाने वाले जहाजों में स्थान आरक्षित करने का काम एक साथ शुरू करेगी और यात्रियों को यह छूट रहेगी कि वे जिस जहाज में चाहें अपना स्थान आरक्षित करा लें। स्थान आरक्षित तभी कराया जा सकेगा जब कि प्रार्थी (वयस्क और बच्चे) पहले दर्जों और डैक दर्जों के लिए पूरा किराया पहले दे दें (उस व्योरे के अनुसार जो कि जहाजरानी कम्पनी के जाने वाले जहाजों के घोषित कार्यक्रम में बताया जा सकता है) और साथ में प्रार्थी अपना पूरा विवरण दे तथा अपने फोटोग्राफ की 5 प्रतियां भी (यदि प्रार्थी पुरुष है तो) जिनमें से एक प्रति जहाज में स्थान सुरक्षित कराने के लिए दी गई उसकी अर्जी पर चिपका दी जाएगी। जब किसी जहाज में सारे स्थान आरक्षित हो जाएंगे तब जहाजरानी कम्पनी उस जहाज विशेष के लिए और जमा लेने से इन्कार कर देगी।

(2) केबिन दर्जों का यात्री अपने एक नौकर के लिए डैक दर्जों में स्थान आरक्षित कराने की अर्जी दे सकता है।

3. प्रतीक्षक सूची :—सरकार द्वारा नियत संख्या में स्थान आरक्षित हो जाने के पश्चात् इस संख्या में 5 प्रतिशत तक की ए 6 प्रतीक्षक-सूची तैयार की जाएगी।

4. टिकट लेने का तरीका :—जिन व्यक्तियों ने यात्रा के लिए अपने स्थान पहले ही से आरक्षित करा रखे हों उन्हें जहाज रवाना होने से कम-से-कम चार दिन पहले अपने टिकट ले लेने चाहिए। जो लोग

चार दिन पहले अपने टिकट नहीं लेंगे उनके बारे में यह समझा जाएगा कि वे उस जहाज से यात्रा नहीं कर रहे हैं। विशिष्ट जहाजों में से जो स्थान पहले से आरक्षित नहीं कराए गए होंगे या जो चार दिन पहले टिकट न लेने वाले यात्रियों के कारण खाली रह जाएँगे वे स्थान प्रतीक्षक-सूची वालों को विशुद्धतः प्रार्थना-पत्रों की वरीयता के आधार पर दे दिए जाएंगे।

5. यात्रा किराया भेजने का तरीका, — यात्री किराया स्थान आरक्षित कराने के प्रार्थना-पत्र के साथ पहले ही भेजी जाएगी और जैसा कि नियम है, प्रार्थी वह रकम रजिस्ट्री शुदा लिफाफे में बैंक क्लॉपट के रूप में भेजेंगे। किन्तु जो यात्री ऐसी जगहों पर रहते होंगे जहाँ बैंक सुविधा उपलब्ध नहीं है, वे एक विशेष मामले के रूप में बीमा शुदा लिफाफे में यात्रा किराया भेज सकते हैं।

6. यात्रा न करने पर यात्री के जमा किराए की वापसी :—

(i) जब कोई व्यक्ति अपनी यात्रा के लिए स्थान सुरक्षित करा ले और जाना न चाहे तथा जहाजरानी कम्पनी द्वारा अधिसूचित समय में अपनी इस मांग की सूचना दे दे तो उसका यात्रा किराया पूरा-पूरा लौटा दिया जाएगा।

(ii) अगर किसी व्यक्ति ने अपना स्थान सुरक्षित कर लिया हो और किसी दैवी कारण से जाने न पाए, जैसे, परिवार में किसी को मृत्यु, तो जमा यात्रा-किराया पूरा-पूरा वापस किया जा सकता है। अगर कोई विवाद खड़ा हो तो वह पहले अध्यक्ष, हज समिति, बम्बई, के सामने पेश किया जाएगा और अगर संभव यात्री को अथवा जहाजरानी कम्पनी को अध्यक्ष का निर्णय स्वीकार्य न हो तो अध्यक्ष मामले को प्रेसिडेंसी मजिस्ट्रेट को अथवा उस प्रथम श्रेणी के मजिस्ट्रेट को भेजेगा जिसके अधिकार क्षेत्र में बन्दरगाह आता है। मजिस्ट्रेट का निर्णय अन्तिम होगा अपने फैसले में वह जो रकम नियत करेगा वह यात्री को वापस दी जाएगी।

(iii) अगर किसी व्यक्ति ने एक जहाज में अपने लिए स्थान आरक्षित कराया हो और उसमें न जाने पाए तथा बाद के जहाज से जाना चाहे तो उसका जमा यात्रा किराया पूरा-पूरा यात्रा खर्च में लगा लिया जाना चाहिए।

(iv) अन्य सब मामलों में, जबकि यात्री ने अपना स्थान आरक्षित करा लिया हो, किन्तु न जाने की सूचना समय से न दे, जैसा कि ऊपर बताया गया है, तो उसका धन उसे वापस करते समय 10 प्रतिशत की कटौती की जा सकती है।

(v) जिस व्यक्ति ने अपना नाम प्रतीक्षक-सूची में लिखवा रखा हो और उसे जगह न मिल पाए तो उसने जो धन जमा कराया होगा वह पूरा उसे वापस कर दिया जाएगा ?

7. जांच :— जहाजरानी कम्पनी के यात्रा के लिए स्थान आरक्षित करने के रिकार्ड तथा प्रतीक्षक सूचियों की जांच केन्द्र सरकार, हज समिति, बम्बई के दो सदस्य, जो अध्यक्ष द्वारा नामजद किए जाएंगे अथवा इस उद्देश्य के लिए समिति द्वारा नामजद कोई अधिकारी (एक या एक से अधिक) कर सकता है।

[सं० एम० II-1 180 (59)/68.]

आर० के० मेहरा,
सहवारी (एपी)

MINISTRY OF FINANCE**(Department of Expenditure)***New Delhi, the 8th July 1968*

S.O. 2632.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and of all other powers enabling him in this behalf, the President hereby makes the following rules further to amend the Fundamental Rules, namely:—

1. These rules may be called the Fundamental (Fifth Amendment) Rules, 1968.

2. In the Fundamental Rules, the existing Note under Rule 56(h) shall be numbered as Note 1 and after the Note as so renumbered, the following Note shall be inserted, namely—

“NOTE 2.—In relation to the Central Public Works Department (the reference in this clause to “Chief Engineer” shall be deemed to be a reference to “Engineer-in-Chief”).

[No. F.7(6)-E.V./68.]

D. C. SEN GUPTA, Under Secy.

(Department of Economic Affairs)*New Delhi, the 15th July 1968*

S.O. 2633.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), read with section 56 thereof, the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 8 of the said Act shall not apply to any co-operative bank, in so far as the said provisions prohibit co-operative banks from engaging themselves in buying or selling, as agents of any State Government, of judicial and non-judicial stamp papers, on commission basis.

[No. F. 18/8/68-SB.]

New Delhi, the 17th July 1968

S.O. 2634.—Statement of the Affairs of the Reserve Bank of India, as on the 12th July, 1968

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	23,42,09,000
		Rupee Coin	3,26,000
Reserve Fund	80,00,00,000	Small Coin	3,78,000
		Bills Purchased and Discounted:—	
National Agricultural Credit (Long Term Operations) Fund .	143,00,00,000	(a) Internal
		(b) External
		(c) Government Treasury Bills	148,54,63,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Balances Held Abroad*	101,61,13,000
		Investments**	305,19,66,000
		Loans and Advances to:—	
National Industrial Credit (Long Term Operations) Fund .	55,00,00,000	(i) Central Government
		(ii) State Governments@	29,98,46,000
Deposits:—		Loans and Advances to:—	
(a) Government—		(i) Scheduled Commercial Banks†	98,54,30,000
(i) Central Government	58,08,34,000	(ii) State Co-operative Banks‡	142,90,14,000
(ii) State Governments	6,06,51,000	(iii) Others	3,27,90,000

LIABILITIES		Rs.	ASSETS		Rs.
			Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—		
			(a) Loans and Advances to:—		
(b) Banks—			(i) State Governments		31,69,16,000
(i) Scheduled Commercial Banks		150,32,45,000	(ii) State Co-operative Banks		16,07,24,000
(ii) Scheduled State Co-operative Banks		6,69,87,000	(iii) Central Land Mortgage Bank		..
(iii) Non-Scheduled State Co-operative Banks		96,67,000	(b) Investment in Central Land Mortgage Bank Debentures		
(iv) Other Banks		17,93,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund		8,00,02,000
(c) Others		387,91,52,000	Loans and Advances to State Co-operative Banks		6,02,79,000
Bills Payable		20,76,51,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—		
Other Liabilities		26,15,96,000	(a) Loans and Advances to the Development Bank		6,08,92,000
			(b) Investment in bonds/debentures issued by the Development Bank		..
			Other Assets		51,72,28,000
Rupees		973,15,76,000	Rupees		973,15,76,000

*Includes Cash Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 91,33,04,000 advanced to scheduled commercial banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 17th day of July, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 12th day of July, 1968

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department.	23,42,09,000		Gold Coin and Bullion—		
Notes in circulation . . .	3321,34,13,000		(a) Held in India . . .	115,89,25,000	
Total Notes issued . . .		3344,76,22,000	(b) Held outside India	
			Foreign Securities . . .	206,42,00,000	
			TOTAL . . .		322,31,25,000
			Rupce Coin . . .		74,40,29,000
			Government of India Rupce Securities		2948,04,68,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES . . .		3344,76,22,000	TOTAL ASSETS		3344,76,22,000

Dated the 17th day of July, 1968.

L. K. JHA,
Governor.

[No. F.3(3)-BC/68.]

V. SWAMINATHAN, Under Secy

(Department of Revenue and Insurance)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 8th July 1968

S.O. 2635.—In pursuance of clause (b) of sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint Shri V. R. Amin, Inspecting Assistant Commissioner of Income-tax, Range-II, Hyderabad as Authorised Representative, Income-tax Appellate Tribunal, Madras, to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income Tax Appellate Tribunal Hyderabad from 6th May, 1968 to 25th May, 1968.

[No. 218]

S.O. 2636.—Consequent on their transfers, the powers conferred on the following officers by the Ministry of Finance (Department of Revenue and Insurance) Notification noted against each, are hereby withdrawn with effect from the date shown against their names :—

Sl. No.	Name of the Officer	Notification No. and date	Date from which powers are withdrawn
1	2	3	4
1.	Sh. A.C. Jain, A.R., I.T.A.T., Delhi	Notification No. 426, I.T. Estts. dt. 12-12-66.	1-5-68 (FN)
2.	Sh. V. P. Sharma, A.R., I.T.A.T., Delhi	Do.	14-5-68 (AN)
3.	Sh. A.R. Kurlekar, A.R., I.T.A.T., Patna.	Notification No. 330, I.T. Estts. dated 3-8-66.	8-5-68 (AN)

[No. 219.]

S.O. 2637.—In pursuance of clause (b) of sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint the undermentioned officers as Authorised Representative Income-tax Appellate Tribunal with effect from the date noted against them to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal :—

Serial No.	Name of Officer	Appointed as	Date of appointment
1	2	3	4
1.	Sh. V.P. Gupta, IAC of IT, Delhi	AR, ITAT, Delhi	1-5-68 (FN)
2.	Sh. K. C. Srivastava, IAC of IT, Delhi	Do.	14-5-68 (AN)
3.	Sh. Hira Singh, AAC of IT, Patna	AR, ITAT, Patna	17-5-68 (AN)

[No. 220.]

M. G. THOMAS, Under Secy

(Department of Revenue and Insurance)

CUSTOMS

New Delhi, the 20th July 1968

S.O. 2638—In exercise of the powers conferred by Sub-Section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government being satisfied that it is necessary in the public interest so to do, hereby exempts straw board produced in Nepal when imported into India from that country from the additional duty leviable thereon under section 2A of the Indian Tariff Act, 1934 (32 of 1934).

[No. 112/F. No. 80/9/67-L.C.I.]

M. S. SUBRAMANYAM, Under Secy.

(Department of Revenue and Insurance)

ERRATUM

In the Ministry of Finance (Department of Revenue and Insurance) Corrigendum No. 47/F. No. 3/15/68-IT (Inv), dated the 4th June, 1968, published as S.O. 2079 at page 2954 in the Gazette of India Part II—Section 3(ii), dated 15th June, 1968, the following correction is to be made :—

In the printed form, under column 4, for the figure 'Rs. 11,000' read 'Rs. 15,000'.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 3rd July 1968

S.O. 2639—In exercise of the powers conferred by sub-section(1) of section 122 of the income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendments in the Schedule appended to its notification No. 67 (50/158/67-ITJ) dated the 2nd August, 1967, namely :—

In the said Schedule against A-Range, Bangalore and B-Range, Bangalore under column 2 the following shall be substituted :

A-Range, Bangalore

1. Bangalore City Circle I
2. Bangalore City Circle III
3. Kolar Circle
4. Company Circle, Bangalore
5. Chitradurga Circle
6. Tumkur Circle
7. Special Survey Circle, Dharwar
8. E.D. cum I.T. Circle, Bangalore.
9. Mangalore Circle
10. Udipi Circle
11. In respect of orders passed under the Income-tax Act by the following ITOs. of Bangalore Circle, Bangalore.

Income tax Officer, Administration
 Incometax Officer, Assessment (1)
 Incometax Officer, Assessment (2)
 Incometax Officer, Assessment (3)
 Incometax Officer, Assessment (8)
 Incometax Officer, Assessment (9)

B-Range, Bangalore

1. Bangalore City Circle II
2. Special Survey Circle, Bangalore
3. Salary Circle, Bangalore
4. Central Circles I & II, Bangalore.
5. Rural Circle, Bangalore
6. Special Investigation Circles 'A' and 'B', Bangalore.

7. Mysore Circle
8. Coorg Circle
9. ED cum It Circle, Mangalore
10. In respect of orders passed under the Income tax Act by the following ITOs of Bangalore Circle, Bangalore.

Incometax Officer, Assessment (4)
 Incometax Officer, Assessment (5)
 Incometax Officer, Assessment (6)
 Incometax Officer, Assessment (7)
 Incometax Officer, Assessment (10)
 Incometax Officer, Collection

This notification shall take effect from 8th July, 1968.

Explanatory Note.

The amendment has become necessary for equalising the work-load amongst the AACs, A-Range and B-Range, Bangalore.

(This note does not form part of the notification but is intended to be merely clarificatory).

[No. 60 (F. No. 50/3/68-IT).]

New Delhi, the 5th July 1968

S.O. 2640—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes, hereby directs that the Appellate Assistant Commissioner of Income-tax of the Ranges specified in Column I of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to incometax or Supertax in the Incometax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range	Incometax Circles, Wards and Districts
1	2
A—Range, Jaipur	<ol style="list-style-type: none"> 1. B, C, E, G, H, J, K & M Wards, Jaipur. 2. All Companies Circles having headquarters at Jaipur. 3. All Incometax Wards having headquarters at Ajmer. 4. All Incometax wards having headquarters at Kota. 5. Sawaimadhopur 6. Bharatpur 7. Sikar 8. Jhunjhunu 9. Special Survey Circle I & II, Jaipur.
B—Range, Jaipur	<ol style="list-style-type: none"> 1. A, D and F-Wards, Jaipur. 2. Special Investigation Circles A & B, Jaipur. 3. Central Circles I & II, Jaipur. 4. Estate Duty, Jaipur. 5. Salary Circle I, II & III, Jaipur. 6. Special Assessment Circle I, II & III, Jaipur. 7. Special Assessment Circle, Jaipur. 8. All Incometax Wards having headquarters at Alwar.
Jodhpur Range, Jodhpur	<ol style="list-style-type: none"> 1. All Incometax Wards and Circles having headquarters at Jodhpur. 2. All Incometax Wards having headquarters at Siroh 3. All Incometax wards having headquarters at Pali. 4.

1	2
Udaipur Range, Udaipur . . .	1. All Incometax wards and Circles having headquarters at Udaipur. 2. Chittorgarh 3. Bhilwara 4. Beawar
Bikaner Range, Bikaner . . .	1. All Incometax Wards and Circles having headquarters at Bikaner. 2. All Incometax Wards and Circles having headquarters at Sriganganagar. 3. All Incometax Wards and Circles having headquarters at Nagaur.

Where an Incometax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Incometax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Incometax of the Range from whom that Incometax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of Incometax of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 5th July, 1968.

Explanatory Note

The modification has become necessary on account of the creation of a new range of the A.A.C. known as Bikaner Range, Bikaner in the Commissioner's charge.

(This note does not form part of the notification, but is intended to be merely clarificatory).

[No. 61 (F. No. 50/11/68-IT)].

S. V. SUBBA RAO, Under Secy.

MINISTRY OF COMMERCE

New Delhi, the 15th July 1968

S.O. 2641.—In exercise of the powers conferred by clause (1) of sub-section (3) of section 4 of the Central Silk Board Act, 1968 (61 of 1948), the Central Government hereby nominates Shri J. P. Das, Deputy Secretary to the Government of Orissa, Industries Department, Bhubaneswar to be a member of the Central Silk Board in place of Shri S. M. Patnaik and makes the following amendment in the notification of the Government of India in the Ministry of Commerce No. S.O. 2260 dated the 28th June, 1968, namely :—

In the said notification, for the entry against serial number 29, the following entry shall be substituted, namely :—

"29. Shri J. P. Das, Deputy Secretary to the Government of Orissa, Industries Department, Bhubaneswar."

[No. F. 22/1/67-Tex(F).]

DAULAT RAM, Under Secy.

(Office of the Joint Chief Controller of Imports and Exports)
(C. L. A.)

ORDERS

New Delhi, the 4th June 1968

S.O. 2642.—M/s. Shambu Nath and Sons, New Railway Road, Mandi Gobindgarh (PB), were granted an Import licence No. P/SS/1608544/C/XX/25/C-D/23-24 dated 14-11-1967, for the import of copper and Zinc, falling under I.T.C.S. Nos. Respectively, 47/1 and 44(A)/1, for Rs. 16855/- only (Sixteen thousand eight hundred and

fifty five) only. They have applied for the issue of a duplicate copy of each of the customs purposes and the exchange control copies, thereof, on the ground that their original copies have been lost/misplaced, without having been utilized and without having been registered with any customs house.

2. The applicant have filed an affidavit in suport of their contention, as required under para. 299(2) read with App. 8 of the I.T.C. hand book of Rules and procedure, 1968. I am satisfied, the original customs purposes and exchange control copies have been lost/misplaced.

3. In exercise of the powers conferred on me under clause 9(cc), import (control) order, 1955, dated 7th December 1955, as amended upto date, I order cancellation of both the customs purposes and the exchange control copies of the import licence No. P/SS/1608544/C/XX/25/C-D/23-24 dated 14-11-1967.

4. The applicant are now being issued a duplicate copy of each of the customs purposes and the exchange control copies of the said licence, in accordance with para. 299(2), I.T.C. hand book of rules and procedure, 1968.

[File No. P.N. 155/66/S-14/AM-67/AU.PB/CLA.]

New Delhi, the 5th June 1968

S.O. 2643.—M/s. New India Engineering Industries, B 53, Industrial Estate, Ludhiana-3, were granted an import licence No. P/SS/1606933/C/XX/25/C-D/23-24 dated 22-6-1968, for the import of nickel, falling under I.T.C. S. No. 48/1, for Rs. 8258/- (Eight thousand two hundred & fifty eight only). They have applied for the issue of a duplicate copy of each of the customs purposes & the exchange control copies thereof, on the ground that their original copies have been lost/misplaced, without having been utilised and without having been registered with any customs house.

2. The applicant have filed an affidavit in suport of their contention, as required under para. 299(2) read with app. 8 of the I.T.C. hand book of rules and procedure, 1968. I am satisfied, the original customs purposes and exchange control copies have been lost/misplaced.

3. In exercise of the powers conferred on me under clause 9(cc), import (control) order, 1955, dated 7th December 1955, as amended upto date, I order cancellation of both the customs purposes and the exchange control copies of the import licence No. P/SS/1606933/C/XX/25/C-D/23-24 dated 22-6-1967.

4. The applicant are now being issued a duplicate copy of each of the customs purposes and the exchange control copies of the said import licence, in accordance with para. 299(2), I.T.C. hand book of rules and procedure, 1968.

[File No. P.N. 84/66/N-9/PB/CLA.]

New Delhi, the 21st June 1968

S.O. 2644.—M/s. Shamrock Industries, Mile 13/3, Mathura Road, P. O. Amar Nagar, Near Faridabad were granted licence No. P/SS/1605235/C/XX/C-D/23-24 dated 20-1-1967 for Rs. 9872/- for import of Glassine & Vegetable Parchment Paper, German Silver Crap, Cadmium Anode. The Custom Purpose Copy of the same was lost and a duplicate licence No. D. 2465248 was issued to them after cancelling the original licence. The firm has now again come up with the submission that this duplicate copy too has been lost/misplaced by them without having been utilised and without having been registered with any customs House.

2. The applicant have filed an affidavit, in support of their contention as required under para 299(2) read with Appendix-8 of the I.T.C. Hand Book of Rules and Procedure, 1968. I am satisfied, the original duplicate customs purposes copy has been lost/misplaced.

3. In exercise of the powers conferred on me, under clause 9(cc) Imports (Control) Order, 1955, dated 7th Dec., 1955, as amended upto date, I order cancellation of import licence, in accordance with para. 299(2), I.T.C. Hand Book of Rules

4. The applicant are now being issued a duplicate copy of customs purposes copy of import licence, in accordance with para 299(2), I.T.C. Hand Book of Rules and Procedure, 1968.

[File No. P.N. 84/66/10/AM.67/AU-H.R.H./CLA/1192.]

New Delhi, the 16th July 1968

S.O. 2645.—A licence No. P/SS/1607628/C/XX/24/CD/23-24 dated 15-9-1967 of the value of Rs. 585/- for import of Zinc was issued to M/s. Doaba Industries, 11, Industrial Estate, Ambala City.

2. Thereafter, a show cause notice No. PN. 155/66/D-18/HAR/AM. 67/AU-HRH/13 dated 5-4-1968 was issued under registered cover asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that they having made no progress regarding installation of machinery the licence will not serve the purpose for which it was granted in terms of Clause 9, sub clause (cc).

The registered letter has not come back undelivered and it is presumed to have been delivered to them in natural course of things. They have not however sent any reply to it and it is therefore to be taken that they have no objection against cancellation of the licence though the time fixed for the purpose is long since over.

3. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under clause 9 sub clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1607628/C/XX/24/CD/23-24 dated 15-9-1967 for Rs. 585/- issued in favour of M/s. Doaba Industries, Ambala City

[No. F. PN. 155/66/D-18/HAR/AM. 67/AU-HRH/CLA/1743.]

S.O. 2646.—A licence No. P/SS/1607644/C/XX/24/CD/23-24 dated 16-9-67 of the value of Rs. 880/- for import of copper, zinc, Tin & Lead was issued to M/s. Dewan Hans Raj Suri, 85, Spatu Road, Ambala City (Haryana).

2. Thereafter, a show cause notice No. PN. 155/66/D-29/HAR/AM. 67/AU-HRH/335 dated 6-4-68 was issued under registered cover asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that they having made no progress regarding installation of machinery, the licence will not serve the purpose for which it was granted in terms of Clause 9, sub clause (cc).

3. The registered letter has not come back undelivered and it is presumed to have been delivered to them in natural course or things. They have not, however, sent any reply to it and it is, therefore, to be taken that they have no objection against cancellation of the licence, though the time fixed for the purpose is long since over.

4. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1607644/C/XX/24/CD/23-24 dated 16th September, 1967 for Rs. 880 issued in favour of M/s. Dewan Hans Raj Suri, 85, Spatu Road, Ambala City (Haryana).

[No. F. 155/66/D-29/HAR/AM. 67/AU-HRH/1743.]

J. S. BEDI,

Jt. Chief Controller of Imports & Exports.

(Office of the Joint Chief Controller of Imports & Exports)

ORDER

Bombay, the 25th June 1968

S.O. 2647.—A licence No. P/AU/1265113/C/XX/C/B-23 dated 24th April, 1967 of the value of Rs. 4,000/- for import of Electrical and Mechanical spare parts for Cone Cheese Winder 'Murate' No. 12 and licence No. P/AU/1265112/C/XX/25/C/B-23 dated 24-4-1967 of the value of Rs. 53,784/- for import of Hardened and Tempered Steel Wire Plough Ground Needle Points were issued to M/s. Jagatjit Cotton Textile Mills Ltd., 25, Brabourne Road, Calcutta-1 Factory address: Phagware, Punjab, against the Mills' application dated 22-4-1966 and 5-8-1966, respectively.

2. Thereafter a Show Cause Notice No. 1/575/67/Enf/1164 dated 29-2-1968 was issued to the Mills asking them to show cause within 10 days as to why the said licences should not be cancelled on the ground that incorrect information was given against Column C(5) of the relevant applications, although applications had been simultaneously made for Essentiality Certificates to the Textile Commissioner, Bombay, as well as to the Regional Office of the Textile Commissioner at Amritsar for the goods falling under the same S. No. and part of the I.T.C. Schedule during the same licensing period.

3. In response to the aforesaid Show Cause Notice M/s. Jagatjit Cotton Mills Ltd., by their letter dated 5th March, 1968 and 27th May, 1968 furnished a detailed explanation. The Mills' representative were also allowed personal hearing by the undersigned. In their above mentioned letters and at the time of personal hearing the Mills contended that in their application dated 5-8-1966 against which the licence No. P/AU/1265112 dated 24-4-1967 was issued they had omitted through oversight to make a mention against Column C(5) of the application to the effect that another application had already been submitted by them to the Textile Commissioner, Bombay for the goods falling under the same I.T.C. S. No. and Part during the same licensing period.

4. As regards the application dated 22-4-1966 against which the import licence No. P/AU/1265113 dated 24-4-1967 was obtained, the Mills have admitted that the application in question should have been made to the Textile Commissioner, Bombay instead of the Regional Office of the Textile Commissioner at Amritsar.

5. The undersigned has carefully examined the Mills' representation and has come to the conclusion that both the aforesaid licences were obtained by the Mills by suppressing the fact that applications for Essentiality Certificates for spares of machinery had been submitted simultaneously to two different offices of the Textile Commissioner at Amritsar and Bombay.

6. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the 2 licences in question should be cancelled or otherwise rendered ineffective. Therefore the undersigned, in exercise of the powers vested in him under clause 9 sub-clause(a) of the Imports (Control) Order 1955 Hereby cancel the licence Nos. P/AU/1265113/C/XX/25/C/B-23 dated 24-4-1967 and P/AU/1265112/C/XX/25/C/B-23 dated 24-4-1967 issued in favour of M/s. Jagatjit Cotton Textile Mills Ltd., Calcutta.

[No. 1/575/67/Enf.]

B. C. BANERJEE,

Dy. Chief Controller of Imports and Exports.
for Jt. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 19th July 1968

S.O. 2648.—M/s. Kwaliti Restaurant, Kulri, Mussorie were granted an import licence No. P/AU/1248243/C/XX/22/C/H/21-22 dated 26th March 1966 for Rs. 3000/- (Rupees three thousands only). They applied for the issue of a duplicate customs purposes/Exchange Control copy of the said licence on the ground that the original customs purposes/exchange control copy have been lost/ misplaced. It is further stated that both the custom purposes & exchange control copies were not registered with any customs authorities at ports and were not utilized at all. However, the goods had been got released by Calcutta Customs Authorities on furnishing a bond.

2. In support of this contention, the applicant has filed an affidavit. I am accordingly satisfied that the original customs purposes/exchange control purposes copy of the said licence have been lost. Therefore, in exercise of the powers conferred under sub-clause 9 (CC) of the Imports (Control) order 1955 dated 7th December 1955 as amended, the said original exchange purposes copy of licence

No. P/AU/1248243/C/H/21-22 dated 26th March, 1966, issued to M/s. Kwaliti Restaurant, Kulri, Mussorie, is hereby cancelled.

3. A duplicate exchange control copy of the said licence is being issued to the licensee separately.

4. The customs purposes copy of the said licence has already been cancelled vide my order No. 14/132/1/OM-65/ILS, dated 1-3-1968 and a duplicate customs copy No. D/2460394, dated 19-3-1968, was issued in favour of the licensee.

[No. 14/132/1/O.M. 65/ILS/1190.]

S. K. USMANI,

Dy. Chief Controller of Imports & Exports.

MINISTRY OF STEEL, MINES AND METALS

(Department of Mines and Metals)

New Delhi, the 18th July 1968

S.O. 2649.—Whereas in pursuance of the notification of the Government of India in the late Ministry of Mines and Fuel No. S.O. 2761 dated the 20th September, 1963, under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government has acquired,—

(i) lands measuring 193.25 acres or 78.26 hectares in villages of Samsikhra, Dhandabar, Dhobni, Gopinathdih, Parasias and Garbhudih, and

(ii) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals from lands measuring 1405.25 acres in villages Parasias, Garbhudih, Manidi, Samsikhra, Panderkanali, Chirudih, Dhandabar, Dhobni, Gopinathdih, Chakphutaha, Rajasbera, Sabaldih, and Phutaha,

in the district of Dhanbad;

And whereas Sri Kundu Mahto, son of Hari Mahto, Mst. Munna Mahtani, wife of Bhola Mahto, Mani Ram Mahto, son of Kanglu Mahto, Dabu Mahto, son of Rutu Mahto, Lalu Mahto and Gobind Mahto, sons of Rutu Mahto, Thakur Mahto and Chhatan Mahto, sons of Bhikhu Mahto and Mandoo Mahto, son of Jairam Mahto, the interested persons under section 13 of the said Act have preferred their claims to the competent authority for payment of compensation for acquisition of 0.11 acres of lands;

And whereas Smt. Chand Mani Mahtani, wife of Mahesh Mahto has also preferred a claim for the aforesaid acquisition and has disputed the claim of the above claimants to receive compensation;

And whereas the amount of compensation payable for the above lands could not be fixed by agreements due to the dispute of title to receive compensation;

Now, therefore, in exercise of the powers conferred by sub section (2) of section 14 of the said Coal Bearing Areas (Acquisition and Development) Act, 1957 the Central Government hereby constitutes a Tribunal consisting of Sri Padmakant Choudhary, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C2-20(7)/63(1).]

S.O. 2650.—Whereas in pursuance of the notification of the Government of India in the late Ministry of Mines and Fuel No. S.O. 2761 dated the 20th September, 1963 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government has acquired—

(i) lands measuring 193.25 acres or 78.26 hectares in villages Samsikhra, Dhandabar, Dhobni, Gopinathdih, parasias and Garbhudih, and

(ii) the rights to mine quarry, bore, dig and search for, win, work and carry away minerals from lands measuring 1405.25 acres in villages Parasias, Garbhudih, Manidi, Samsikhra, Panderkanali, Chirudih, Dhandabar, Dhobni, Gopinathdih, Chakphutaha, Rajasbera, Sabaldih and Phutaha.

in the district of Dhanbad;

And whereas Sri Banshidhar Mishra son of Sri Dewandranath Mishra, the person interested under section 13 of the said Act preferred a claim for compensation for acquisition of 0.27 acres of land to the competent authority;

And whereas Sri Debu Pandey, Kall Pandey and Dhonu Pandey also have preferred claims for the aforesaid acquisition and have disputed the claim of the aforesaid claimants to receive compensation;

And whereas the amount of compensation payable for the above lands could not be fixed by agreements due to the dispute of title to receive compensation;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 14 of the said Coal Bearing Areas (Acquisition and Development) Act 1957 the Central Government hereby constitutes a Tribunal consisting of Sri Padmakant Choudhary Additional Judicial Commissioner, Ranchi, and refers the matter to the said Tribunal.

[No. C2-20(7)/63/(ii).]

RAM SAHAY, Under Secy.

(Department of Mines and Metals)

ORDER

New Delhi, the 16th July 1968

S.O. 2651.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following further amendment in the Order of the Government of India in the late Ministry of Production, S.R.O. No. 1185, dated the 2nd April, 1957 namely:—

In the Schedule annexed to the said Order, for Serial No. 13 and the entries relating thereto, the following shall be substituted, namely:—

“13 Director of Geology and Mining, Assam.	Clauses (c), (d), (e), (f), (h), (i) & (j).	In respect of distribution of coal received or produced within the State of Assam from time to time against the quota fixed by the Central Government for detailed allocation by the State Government.”
---	--	---

[No. 11/4/65-CL.]

M. S. K. RAMASWAMI, Dy. Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Department of Works and Housing)

New Delhi, the 16th July 1968

S.O. 2652.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column 1 of the Table below, being gazetted officer of Government, to be the estate officer for the purposes of the said Act and the said officer shall exercise the powers conferred and perform the duties imposed, on estate officers by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column 2 of the said Table.

THE TABLE

(1)	(2)
Designation of Officer	Categories of public premises and local limits of jurisdiction.
Station Director, All India Radio, Lucknow.	Premises belonging to or taken on lease or requisitioned by, or on behalf of, the Central Government in the Lucknow District of Uttar Pradesh as are under its administrative control.

[No. 21011(4)/66-Pol.]

V. P. AGNIHOTRI, Dy. Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Cooperation)

New Delhi, the 12th July 1968

S.O. 2653.—In exercise of the powers conferred by Section 5-B of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942) and in supersession of the former Ministry of Community Development and Cooperation (Department of Cooperation) notification No. 3-14/64-CT dated the 29th June, 1965, the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the former Ministry of Community Development and Cooperation (Department of Cooperation) No S.O. 1593, dated the 28th June, 1961 published at page 1555 of Part II Section 3(ii) of the Gazette of India of the 8th July, 1961, namely:—

In the said notification against serial No. 4, for the entry "Shri V. Subramanian", the entry "Shri R. A. Zubairy" shall be substituted.

[No. 7-4/68-Credit.]

V. V. NATHEN, Dy. Secy.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 11th July 1968

S.O. 2654.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following further amendments to the Supplementary Rules issued with the Government of India Finance Department letter No. 104 CSR dated the 4th February, 1922 namely:—

In part VIII of the said Rules, after Division XXVI-U the following shall be substituted.

DIVISION XXVI-V.

Allotment of Residences to Officers and Staff under the Administrative Control of the Director, Central Water and Power Research Station, Poona

Short title and application S.R. 317-V-1.—

(1) These rules may be called the Central Water and Power Research Station, Poona, Allotment of Residences Rules, 1965.

(2) They shall apply to all residential buildings for allotment to officers and staff under the administrative control of the Director, Central Water and Power Research Station, Poona.

Definition—S.R. 317-V-2.

In these rules, unless the context otherwise requires:—

- (a) "allotment" means the grant of a licence to occupy a residence in accordance with the provisions of these rules;
- (b) "allotment year" means the year beginning on the 1st January or such other period as may be notified by the President from time to time;
- (c) "Director" means the Director, Central Water and Power Research Station, Poona or any Officer authorised by him to sign on his behalf;
- (d) "emoluments"—(i) for the purpose of allotment means pay as defined in Fundamental Rules 9(21)(a), and (ii) for the purpose of recovery of rents, has the same meaning as in Fundamental Rule 45-c.

Explanation.—In the case of an officer who is under suspension, the emoluments drawn by him on the first day of the allotment year in which he is placed under suspension, or, if he is placed under suspension on the first day of the allotment

year, the emoluments drawn by him immediately before that date shall be taken as emoluments.

- (e) 'family' means the wife or husband, as the case may be, and children, step-children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the officer.
- (f) 'Government' means the Central Government;
- (g) "Officer" means and includes all persons employed in the Central Water and Power Research Station, Poona, whether officer or not;
- (h) 'rent' means the sum of money payable monthly in accordance with the provisions of the Fundamental Rules in respect of a residence allotted under these rules,
- (i) 'residence' means any residence for the time being under the administrative control of the Director, Central Water and Power Research Station, Poona.
- (j) 'subletting' includes sharing of accommodation by an allottee with another person with or without payment of rent by such other person;

Explanation.—Any sharing of accommodation by an allottee with close relations or casual guests shall not be deemed to be subletting.

- (k) 'temporary transfer' means a transfer which involves an absence for a period not exceeding four months;
- (l) 'type' in relation to residence means the type of residence as is for the time being specified in S.R. 317-V-3;
- (m) 'priority date' of an officer in relation to a type of residence to which he is eligible under the provisions of S.R. 317-V-3 means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post under the Central Government or State Government or on foreign service, except for periods of leave:

Provided that, in respect of a Type II, Type III or Type IV residence, the date from which the officer has been continuously in service under the Central Government or State Government including the period of foreign service shall be his priority date for that type.

Provided further that where the priority date of two or more officers is the same, seniority among them shall be determined by the amount of emoluments, the officer in receipt of higher emoluments taking precedence over the officer in respect of lower emoluments; and where the emoluments are equal, by the length of service.

Classification of Residence S.R. 317-V-3.—

Save as otherwise provided by these rules, officers drawing emoluments specified in column 2 of the Table below shall be eligible for allotment of residences of the type shown in the corresponding entries in column 1 thereof:

Type of Residence	Monthly emoluments of the officer as on the first day of the allotment year in which the allotment is made
I	Less than Rs. 110.
II	Less than Rs. 250 but not less than Rs. 110.
III	Less than Rs. 400 but not less than Rs. 250.
IV	Less than Rs. 700 but not less than Rs. 400.
V	Less than Rs. 1,300 but not less than Rs. 700.
VI	Less than Rs. 2,250 but not less than Rs. 1,300.
VII	Rs. 2,250 and above.

Application for Allotment S.R. 317-V-4.—

Every officer who desires to have an allotment made, or continued, under these rules, shall, in addition to his first application in this behalf, which shall be made within one month of reporting for duty, submit an application every year in Form 'A' provided in the Appendix to these rules, to the Director so as to reach him not later than the 1st January every year.

Allotment of Residences S.R. 317-V-5.—

(1) Save as otherwise provided in these rules, a residence, on falling vacant shall be allotted by the Director to an applicant having the earliest priority date for that type of residence subject to the following conditions:—

(i) the Director shall not allot a residence of a type higher than that to which the applicant is eligible

(ii) The Director shall not compel any applicant to accept a residence of a lower type than that to which he is eligible under the aforesaid rule.

(2) The Director may cancel the existing allotment of an officer and allot to him an alternative residence of the same type or in emergent circumstances an alternative residence of the type next below the type of residence in the occupation of the officer if the residence in the occupation of the officer is required to be vacated.

Allotment to Husband and Wife S.R. 317-V-6.—

No officer shall be allotted a residence under these rules if the wife or the husband, as the case may be, of the officer has already been allotted a residence.

Non-acceptance of allotment of offer or failure to occupy the allotted residence after acceptance—S.R. 317-V-7.—

If an officer fails to accept the allotment of a residence within five days or fails to take possession of that residence after acceptance within eight days from the date of receipt of letter of allotment, he shall not be eligible for another allotment, for a period of six months from the date of the allotment letter.

Period for which allotment subsists and the concessional period for further retention—S.R. 317-V-8.—

(1) An allotment shall be effective from the date on which it is accepted by the officer and shall continue in force until—

- (a) the expiry of the concessional period permissible under sub-clause (2) after the officer ceases to be on duty in an eligible office in Poona; or
- (b) it is cancelled by the Director or is deemed to have been cancelled under any provision in these rules; or
- (c) It is surrendered by the officer; or
- (d) the officer ceases to occupy the residence.

(2) A residence allotted to an officer may, subject to the provisions of sub-rule (3), be retained on the happening of any of the events specified in column I of the Table below for the period specified in the corresponding entry in column 2 thereof, provided that the residence is required for the *bona fide* use of the officer or members of his family.

Events	Permissible period for retention of the residence
(i) Resignation, dismissal, removal or termination of services	1 month
(ii) Retirement or terminal leave	2 months
(iii) Death of the allottee	4 months
(iv) Transfer to a place outside the station of allotment of residence	2 months
(v) On proceeding on foreign service in India	2 months
(vi) Temporary transfer in India or transfer to a place outside India	4 months.
(vii) Leave Other than leave preparatory to retirement, refused leave, terminal leave, medical leave or study leave	For the period of leave but not exceeding four month.
(viii) Leave preparatory to retirement or refused leave granted under F.R. 86.	For the full period of leave on full average pay subject to a maximum of 4 months inclusive of the period permissible in the case of retirement.

Events	Permissible period for retention of the residence
(ix) Study leave or deputation outside India	For the period of leave but not exceeding 6 months.
(x) Study leave in India	For the period of leave but not exceeding 6 months.
(xi) Leave on medical grounds	For the full period of leave.
(xii) On proceeding on training	For the full period of training.
(xiii) Transfer to an ineligible office in Poona.	Two months.

Explanation.—In case where transfer and leave were combined, if the leave period is more than 2 months, no additional concessional period for transfer would be admissible

(3) Where a residence is retained under the provisions of sub-rule (2), the allotment shall be deemed to be cancelled on the expiry of the admissible concessional periods unless immediately on the expiry thereof the officer resumes duty in Central Water and Power Research Station, Poona.

(4) Notwithstanding the provisions contained in sub-rule (2), in the event of the death of an allottee while in service with the Central Water and Power Research Station, Poona, the residence which was occupied by such allottee will be allotted, subject to eligibility to a member of the family of the deceased provided that such member is employed at the said station and where such member is not eligible to the particular type to which that residence belongs, he will be allotted a residence of the type to which he is entitled.

(5) An officer who retains the residence by virtue of the concession under item (i) or item (ii) of the Table below sub-rule (2) shall, on re-employment in the Central Water and Power Research Station, Poona within the period specified in the said Table, be entitled to retain that residence and he shall also be eligible for any further allotment of residence under these rules:

Provided that if the employments of the officer on such re-employment do not entitle him to the type of residence occupied by him, he shall be allotted a residence of appropriate type.

Surrender of an allotment and period of notice, S.R. 317-V-9.—

An officer may, at any time, surrender any allotment by giving intimation so as to reach the Director at least ten days before the date of vacation of the residence. The allotment of the residence shall be deemed to be cancelled with effect from the tenth day after the day on which the letter is received by the Director or the date specified in the letter, whichever is later.

Allottee's responsibility for rent and damage to the residence furniture, etc. S.R. 317-V-10.—

An officer to whom a residence has been allotted shall be personally liable for the rent thereof and for any damage, beyond fair wear and tear, caused thereto, fixture or fittings or services provided therein by the Government during the period for which the residence has been and remains allotted to him.

Provisions relating to Rent, S.R. 317-V-11.—

(1) Where an allotment of accommodation or alternative accommodation has been accepted, the liability for rent shall commence from the date of occupation or from the eighth day from the date of receipt of the allotment, whichever is earlier

(2) An officer who, after acceptance, fails to take possession within eight days from the date of receipt of the allotment letter, shall be charged rent from such

date upto a period of one month or upto the date of re-allotment of that particular accommodation, whichever is earlier.

(3) Where an officer, who is in occupation of a residence, is allotted another residence and he occupies the new residence, the allotment of the former residence shall be deemed to be cancelled from the date of occupation of the new residence. He may, however, retain the former residence without payment of rent for the day of the said date and the subsequent day for shifting.

Survey bond to be executed by temporary Government Servants, S.R. 317-V-12—

Where the officer to whom a residence has been allotted is temporary Government servant, he shall furnish a surety bond in the Form specified in Form 'B' provided in the Appendix to these rules, from a permanent Central Government servant of equal or comparable status for due payment of rent and other charges payable by him in respect of such residence.

Maintenance of residence, S.R. 317-V-13.—

The officer to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the Director, the Central Public Works Department and the Poona Municipal Corporation, as the case may be.

Subletting and sharing of residences, S.R. 317-V-14.—

(1) An officer to whom Government accommodation has been allotted may, if he so desires, share with or sublet the residence to another eligible officer, but shall in that case communicate the fact of sharing the residence alongwith the name of the sharer, designation and office, where employed to the Director within two months.

(2) No officer shall sublet the whole of his residence.

(3) Any officer who shares or sublets his residence shall do so at his own risk and responsibility and shall be personally responsible for any rent payable and for damage caused to the residence.

Consequences of breach of rules and conditions, S.R. 317-V-15.—

If an officer to whom a residence has been allotted unauthorisedly sublets the residence or charges rent from the sharer at a rate which the Director considers excessive or erects any unauthorised structure in any part of the residence or uses the residence or any portion thereof for any purpose other than that for which it is meant or tampers with the electric or water connection or commits any other breach of the rules or of the terms and conditions of the allotment or uses the residence or premises or permits or suffers the residence or premises to be used for any purpose which the Director considers to be improper or conducts himself in a manner which in his opinion is prejudicial to the maintenance or harmonious relations with his neighbours or has knowingly furnished incorrect information in any application or written statement with a view to securing the allotment the Director may, without prejudice to any other disciplinary action that may be taken against him, cancel the allotment of the residence.

(2) If the officer has failed to notify to the Director as provided for in these rules or while so notifying has in any application or statement suppressed any material fact, the Director may cancel the allotment with effect from the date he became ineligible for allotment of Government accommodation.

(3) If an officer sublets a residence allotted to him or any portion thereof or any of the outhouses, garages or stables appurtenant thereto, in contravention of these rules he may, without prejudice to any other action that may be taken against him, be charged enhanced rent not exceeding four times the standard rent under F. R. 45-A. The quantum of rent to be recovered in each case will be decided by the Director on merits. In addition, the officer may be debarred from sharing the residence for a specified period in future as may be decided by the Director.

(4) Where action to cancel the allotment is taken on account of unauthorised subletting of the premises by the allottee, a period of 60 days shall be allowed to the allottee and any other person residing with him therein to vacate the premises.

The allotment shall be cancelled with effect from the date of vacation of the premises or expiry of the said period of 60 days from the date of the orders for the cancellation of the allotment, whichever is earlier.

(5) The Director shall be competent to take all or any of the actions under sub-rules (1) to (4) of this rule and also to declare the officer who commits a breach of the rules and instructions issued to him, to be ineligible for allotment or residential accommodation for a period not exceeding three years.

Overstayal in residence after cancellation of allotment—S.R. 317-V-16.—

Where, after an allotment has been cancelled or is deemed to be cancelled under any provision contained in these rules, the residence remains or has remained in occupation of the officer to whom it was allotted or of any person claiming through him, such officer shall be liable to pay damages for use and occupation of the residence services, and garden charges, equal to the market rent as may be determined by Government from time to time.

Provided that an officer, in special cases, may be allowed by the Director, to retain a residence on payment of twice the standard rent under F. R. 45-A or twice the pooled standard rent under F. R. 45-A, whichever is higher, for a period not exceeding six months beyond the period permitted under these rules.

Recovery of Rent—S.R. 317-V-17.—

The Director shall ensure that recoveries on account of rent for Government residences are effected regularly from the emoluments of the Government servants concerned and the receipt credited to the appropriate revenue head.

Continuance of Allotment made prior to the Issue of these rules—S.R. 317-V-18.—

Any valid allotment of a residence which is subsisting immediately before the commencement of these rules shall be deemed to be an allotment duly made under these rules not withstanding that the officer to whom it has been made is not entitled to a residence of the type under S.R. 317-N-3 and all the preceding provisions of these rules shall apply in relation to that allotment and that officer accordingly.

Relaxation of Rules—S.R. 317-V-19.—

The Government may, for reasons to be recorded in writing, relax all or any of the provisions of these rules in the case of any officer or residence or class of officers or type of residences.

Interpretation—S.R. 317-V-20.—

If any question arises as to the interpretation of these rules, such question shall be decided by the Central Government.

APPENDIX

FORM 'A'

(Rule S.R. 317-V-4)

GOVERNMENT OF INDIA

Office of the C.W. & P. Research Station.

Form of application for officers for allotment of residences for the year 19...

1. (a) Name (Shri/Shrimati/Kumari)
(IN BLOCK LETTERS)
- (b) Present Designation
- (c) Particulars of permanent/quasi-permanent
post held

2. (a) Emoluments as on the 1st of January,
19_____

Pay	Special Pay	Dearness Pay	Deputation (Duty) Allowance	@Pension in addi- tion to pay, if any.	Total
-----	----------------	-----------------	--------------------------------	---	-------

- (b) Date since when the emoluments in (a)
above are being drawn

- (c) Indicate the source from which emoluments
are drawn if not from the Consolidated
Fund of the Government of India

3. Class to which entitled with priority dates:

CLASS OF ACCOMMODATION	PRIORITY DATE
------------------------	------------------

(Vide S.R. 317-V-8)

Appropriate

Class

Next below

Class

4. Particulars of the Government residence, if any,
allotted:

(i) by the Director

(ii) by other Government Department
(Give name of department)

5. (a) Does the applicant stand debarred for
Government Residence ?

- (b) If the reply to (a) above is in the affirmative,
indicate

(i) Period

(ii) Letter No.
Dated:

6. Is the Officer entitled to rent-free accommoda-
tion ?

YES/NO

7. Whether the applicant, his wife/her husband or dependent child/children own a house in Poona/
Khadakwasla or within 10 kilometres of the place of his/her duty ?

House Number and
Street

Relationship with the owner and extent of
ownership

8. Particulars of surety in case of officers not holding a permanent/quasi-permanent post under Central Government.

1. Name
2. Permanent post held
3. Office to which attached
4. Does the surety subsist ?

Certified that I have read all rules governing the allotment of residences and declare that the particulars given by me above are correct and that the allotment to be made to me or already made shall be subject to these rules and subsequent amendments, if any, thereto.

Signature

Office to which attached.

Date:

FOR USE IN THE HEADQUARTERS OFFICE

Particulars of residence allotted:
 Dated initials of the clerk:
 Dated initials of the Superintendent
 Dated initials of the Head of Department

NOTE: @Pension should include the portion of the pension equivalent to death-cum-retirement gratuity and the portion of pension commuted if any.

FORM 'B'

(S. R. 317-V-12)

SURETY BOND

I, Shri—, son of—, at present employed as—, in the—, hereby stand surety (which expression shall include my heirs, executors and administrators) to the President of India (Hereinafter called "the Government" which expression includes his successors and assignees) for payment by Shri—, at present employed as—, of rent and other dues in respect of residence now allotted to him by the Government as also for any residence that may be allotted to him from time to time by the Government.

I, the surety, hereby undertake to indemnify the Government against all loss and damage that may be sustained by/or caused to the Government by reason of allotment of residence to the said—until delivery of vacant possession of the same is made to the Government. I, the surety, hereby further undertake to pay to the Government forthwith on demand by the Government and without any demur all such sums as may be due to the Government as aforesaid and I hereby agree that the Government shall be at liberty (and is hereby irrevocably authorised to do so) to recover the said sums from the salary payable to me and the decision of the Government as to the amount to be recovered shall be final and binding on me.

The above obligation undertaken by me shall not be discharged or in any way affected by an extension of time or any other indulgence granted by the Government to the said Shri (Name of Allottee)—or by any other matter or thing whatsoever which under the law relating to sureties would but for this provision have the effect of so releasing me from such obligation or liability. This guarantee shall not be revocable at any time or discharged by my death so long as the said Shri (Name of allottee)—continues to be in occupation of any such residence, servants' quarter, and/or garage.

The Government have agreed to bear the stamp duty, if any, payable on this document.

Signed and delivered by the said—
 at—, the day of—196 .
 In the presence of —

Signature:

(Signature of surety)

Address and occupation of witness.

Designation

Certified that the above surety is a permanent Government servant.

Signature of the Head of the Department or
the Office in which surety is employed.

Accepted

Sd/ _____

For and on behalf of the President of India.

[No. 36(21)/61-Policy.]

G. K. DOGRA, Dy. Secy.

MINISTRY OF EDUCATION

(Cultural Activities Division I)

[CAI(1) Section]

ARCHAEOLOGY

New Delhi, the 20th July 1968

S.O. 2655.—Whereas the Central Government is of opinion that the areas near or adjoining the protected monuments specified in the Schedule attached hereto, be declared to be a prohibited area for purposes of mining operation or construction or both;

Now, therefore in exercise of the powers conferred by rule 31 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, the Central Government hereby gives notice of its intention to declare the said area as a prohibited area.

Any objection made within one month from the date of the publication of this notification in the official Gazette by any person interested in the said area will be considered by the Central Government.

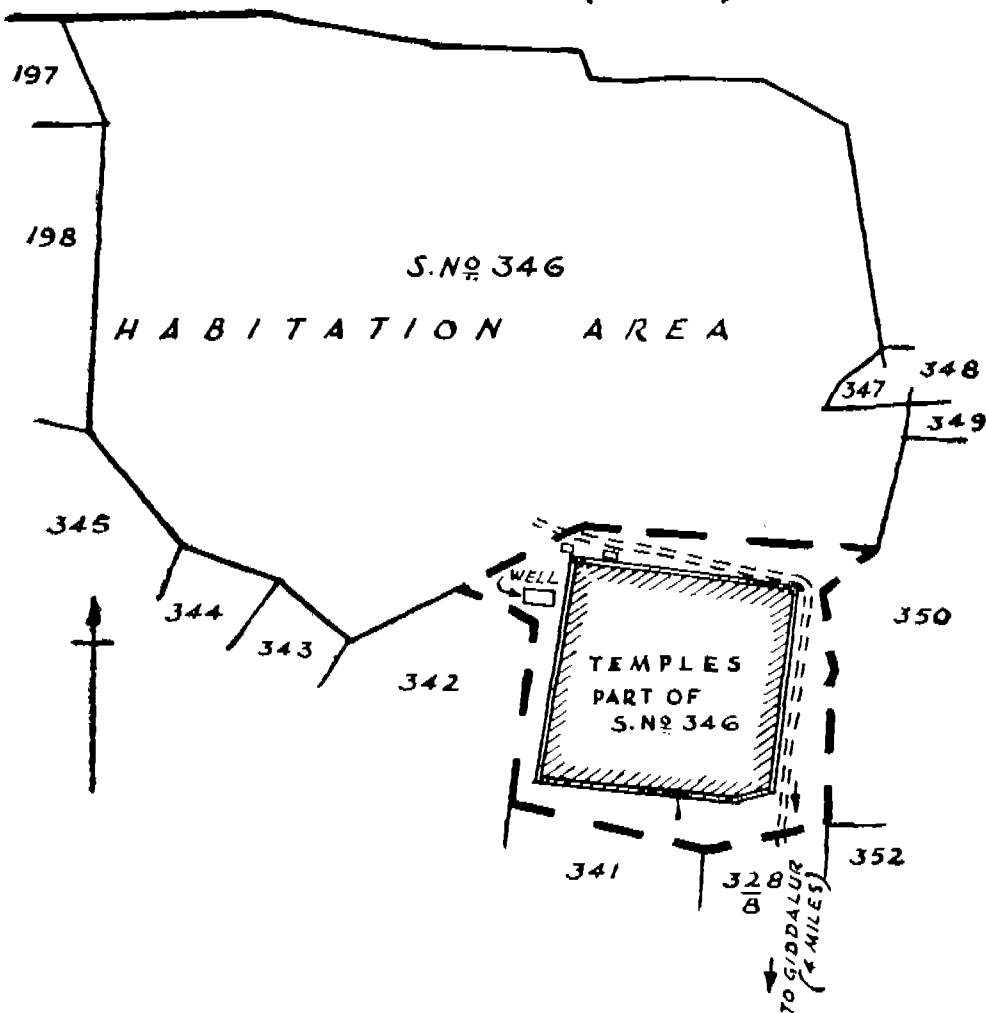
THE SCHEDULE

Serial No.	State	District	Taluk	Locality	Name of monument	Revenue plot to be declared prohibited.	No.	Area	Ownership	Details of modern structures if any in the area proposed to be declared prohibited.	Remarks
1	2	3	4	5	6	7		8	9	10	11
1	Andhra Pradesh	Kurnool	Giddalur	Satiave	Ramlingsvara group of temples.	Part of Survey Plot No. 346 as shown in the plan reproduced below.		0.17 acre	Government	There are two kutcha huts, road and a well	..

SITE PLAN OF RAMALINGESVARA GROUP OF TEMPLES AT SATIAVEL

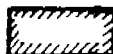
0 40 80 METRES 0 150 300 FEET

BHUPANA GUNTA (AGRAM) No 68



LIMITS OF PROPOSED PROHIBITED AREA — — —

LIMITS OF PROTECTION



S.O. 2656.—Whereas by the notification of the Government of India in the Ministry of Education No. S.O. 1361, dated the 4th April, 1968, the Central Government gave notice of its intention to declare the areas near or adjoining the protected monument specified in the Schedule attached hereto to be a prohibited area for purposes of mining operation or construction, or both;

And, whereas, no objections have been received to the making of such a declaration;

Now, therefore, in exercise of the powers conferred by rule 32 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, the Central Government hereby declares the said areas to be a prohibited area for purposes of mining operation or construction or both.

‘THE SCHEDULE’

State	District	Tehsil/ Taluk	Locality	Name of monument	Survey plot Nos. of the area to be declared pro- hibited	Area	Ownership	Details of modern struc- tures, if any, already exis- ting in the area	Remarks
I	2	3	4	5	6	7	8	9	10
Mysore	Mandya	Sriranga- patna	Sriranga- patna	Gumbaz	Survey plot Nos. 755, 756, 757, and 760.	Survey plot Nos. 755: Private 0.175 acre Survey plot No. 756: Private 0.175 acre Survey plot No. 757: Government 0.200 acre Survey plot No. 760: Municipal land. 1.550 acre	Private	Nil	

[No. F. 4/3/68-CAI(1).]

SHARDA RAO (Mrs.),

Assistant Educational Adviser.

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS**(Department of Industrial Development)****(Indian Standards Institution)***New Delhi, the 11th July 1968*

S.O. 2657.—In partial modification of the notification published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 14th October, 1967 under number S.O. 3673 dated 22nd September, 1967, it is hereby notified that the following note be inserted below serial number 25 of the schedule thereof:

NOTE.—With a view to facilitate change over by licensees operating under the Indian Standards Institution Certification Marks Scheme, **IS:1567-1960** Indian Standard specification for metal clad switches (current rating not exceeding 100 amperes) shall run concurrently with **IS:4004-1967** till 30th September, 1968.

[No. CMD/13:2.]

New Delhi, the 15th July 1968

S.O. 2658.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, it is, hereby, notified that **IS:295-1951** Indian Standard specification for bleaching powder, unstabilized, details of which were published under number S.R.O. 658 dated 26th March 1955 in the Gazette of India, Part II, Section 3 dated 26th March 1955, has been cancelled.

[No. CMD/13:7.]

New Delhi, the 16th July 1968

S.O. 2659.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and Date of gazette notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS: 1-1964 Specification for the national flag of India (cotton khadi) (<i>revised</i>)	S.O. 4120 dated 5 December 1964	No. 1 June 1968	(i) Table V has been substituted by a new one (ii) Clause 5.2 has been amended.	1 June 1968
2	IS: 193-1966 Specification for soft solder (<i>second revision</i>)	S.O. 913 dated 18 March 1967	No. 1 July 1968	Page 7, Appendix A, under col. 3, against Grade 'Sn 30'—Substitute '255' for '355'.	15 July 1968
3	IS: 300-1964 Specification for the national flag of India (silk khadi) (<i>revised</i>)	S.O. 3329 dated 19 Sept. 1964	No. 1 June 1968	(i) Clause 5.2 has been amended. (ii) Table VI has been substituted by a new one.	30 June 1968
4	IS: 620-1965 Specification for general requirements for wooden tool handles (<i>second revision</i>)	S.O. 1756 dated 11 June 1966	No. 1 July 1968	A note has been added under the informal table in clause 8.1.	15 July 1968
5	IS: 656-1964 Specification for logs for plywood (<i>revised</i>)	S.O. 4120 dated 5 December 1964	No. 1 June 1968	Clause 4.3 has been substituted by a new one.	30 June 1968

(1)	(2)	(3)	(4)	(5)	(6)
6	IS: 694 (Part II)-1964 Specification for PVC insulated cables (for voltages upto 1 100 V) Part II with aluminium conductors (<i>revised</i>)	S.O. 385 dated 6 Feb. 1965	No. 2 April 1958	<p>(i) Clause 6·4 has been amended. (ii) Tables 1, 5, 6, 7, 8, 9 & 10 have been substituted by new ones. (iii) Table 11 has been amended. (iv) Table 12 has been deleted. (v) Clause 10·10·2 has been substituted by a new one and Table '12A' renumbered as '12'.</p>	15 June 1968
			No. 3 April 1968	<p>(i) Clause 8·2·5 has been substituted by a new one. (ii) A note has been added after clause 10·8·1.</p>	
7	IS: 781-1967 Specification for sand-cast brass screw-down bib taps and stop taps for water services (<i>first revision</i>)	S.O. 683 dated 24 Feb. 1968	No. 1 June 1958	Page 9, Table 1, first column—Substitute 'N' for 'N ₁ '.	15 June 1968
8	IS: 850-1957 Specification for natural sour (lactic) casein for glue manufacture	S.R.O. 50 dated 4 January 1958	No. 1 July 1968	Page 7, clause H-1, line 4—Substitute '15g' for '150 g' and '250 ml' for '25 ml'.	15 July 1968
9	IS: 852-1957-Specification for animal glues	S.O. 137 dated 1 March 1958	No. 1 July 1968	<p>(i) Table I has been amended. (ii) Clauses A-2·3·1, B-1·1, C-3·1, C-4·1, L-2·1 and P-1·1 have been amended</p>	15 July 1968
10	IS: 1003 (Part I)-1966 Specification for timber panelled and glazed shutters Part I door shutters (<i>first revision</i>)	S.O. 2654 dated 5 August 1967	No. 1 June 1968	Second sentence in clause 5·5 has been deleted.	30 June 1968
11	IS: 1329-1958 Specification for aircraft timber intended for further conversion	S.O. 1862 dated 29 August 1959	No. 1 June 1968	Clause 8·1(a) and (b) have been substituted by new ones	30 June 1968
12	IS: 1435-1960 Specification for platform weighing machines	S.O. 3059 dated 24 Dec. 1960	No. 2 June 1968	New material has been added in clause 3·1 and Tables I and II.	30 June 1968
13	IS: 1662-1962 Specification for glass liquor bottles (<i>revised</i>)	S.O. 2976 dated 29 Sept. 1962	No. 1 July 1968	A new clause 5·3 has been added and subsequent clauses re-numbered accordingly wherever they appear.	15 July 1968
14	IS: 1720-1960 Specification for cotton sewing thread, bleached or dyed	S.O. 2760 dated 25 Nov. 1961	No. 2 July 1968	This amendment specifies the length in metres of thread per kg and count of thread as nominal, both being inter related. An additional variety of sewing thread has also been incorporated.	15 July 1968

15	IS: 1741-1960 Specification for latex foam rubber products	S.O. 2760 dated 25 November 1961	No. 1 July 1968	(i) Clauses 12.1 and 12.2 have been amended. (ii) Clause A-6 has been substituted by a new one.	15 July 1968
16	IS: 1776-1961 Specification for folding box board, uncoated	S.O. 2534 dated 28 October 1961	No. 2 June 1968	(i) Clauses 2.1, 4.1 and 4.2 have been amended. (ii) Table I has been substituted by a new one. (iii) A new clause 3.5 has been added.	30 June 1968
17	IS: 1841-1961 Specification for rolled aluminium rods (electrical conductor grade) for electrical purposes	S.O. 2534 dated 28 October 1961	No. 1 July 1968	Clause 3 has been amended.	15 July 1968
18	IS: 2067-1962 Specification for wrought aluminium for electrical purposes, wire (other than that used for overhead conductor).	S.O. 2562 dated 11 August 1962	No. 1 July 1968	Clause 4 has been amended.	15 July 1968
19	IS: 2124-1962 Specification for sodium bicarbonate	S.O. 3447 dated 17 November 1962	No. 1 June 1968	A new clause 4.1.1 has been added.	30 June 1968
20	IS: 2175-1962 Specification for heat sensitive fire detectors.	S.O. 483 dated 16 Feb. 1963	No. 1 June 1968	A new clause 13.5.1 has been added.	19 June 1968
21	IS: 2191 (Part I) 1968 Specification for wooden flush door shutters (cellular and hollow core type) Part I plywood face panels (first revision)	S.O. 2654 dated 5 August 1967	No. 1 June 1968	Table 3 has been amended.	1 June 1968
22	IS: 2421-1963 Specification for sardines (<i>sardinella</i> SP) canned oil.	S.O. 2877 dated 12 October 1963	No. 1 June 1968	Clause 2.1.2 has been substituted by a new one.	30 June 1968
23	IS: 2891-1964 Specification for wooden handles for felling axes and hand axes	S.O. 895 dated 20 March 1965	No. 1 July 1968	Page 5, fig 2—Substitute the following for the existing caption: 'Fig 2 Wooden handle for axes, felling; and axes, felling, trade pattern'.	15 July 1968
24	IS: 2997-1964 Specification for air circulator type electric fans and regulators.	S.O. 664 dated 5 March 1966	No. 2 July 1968	(i) Clause 3.2 has been deleted. (ii) Clauses 19.1 and 19.14 have been amended. (iii) A new clause 10.7 has been added.	15 July 1968
25	IS: 3286-1965 Specification for round grease tins.	S.O. 1081 dated 9 April 1966	No. 1 July 1968	Grease tins of 3 kg, 5 kg and 10 kg have been included in the standard and provision for the tins being made of suitably treated blackplate has also been made.	15 July 1968

(1)	(2)	(3)	(4)	(5)	(6)
26	IS: 3386-1965 Specification for wooden fence posts	S. O. 1308 dated 30 April 1966	No. 1 July 1968	(i) Clause 8.1 has been substituted by a new one. (ii) A new clause 3.1.1 has been added. (iii) Appendix A has been amended.	15 July 1968
27	IS: 3540E-1966 Specification for berium potassium chromate for paints.	S. O. 2419 dated 13 August 1966	No. 1 January 1968	The amendment aims at removing the 'Emergency' character of this standard.	11 January 1968
28	IS: 3859-1966 Method for determination of strength of water soluble azo dyes by reduction with titanium trichloride	S. O. 2038 dated 17 June 1967	No. 1 June 1968	Page 8, Appendix A, informal table, last column heading—Substitute 'Reduction Time in Minutes' for 'Reduction Time in Seconds.'	30 June 1968
29	IS: 3975-1967 Specification for mild steel wires, strips and tapes for armouring cables	S. O. 3336 dated 23 September 1967	No. 1 June 1968	Table 1, caption of Fig. 1, clauses 4.3 and 9.2.1(a) have been amended.	30 June 1968
30	IS: 4173-1967 Specification for 4-methyaminophenol sulphate	S. O. 4080 dated 18 November 1967	No. 1 July 1968	Clause C-5.1.1 has been amended.	15 July 1968
31	IS: 4270-1967 Specification for steel tubes used for water wells	S. O. 287 dated 20 January 1968	No. 1 July 1968	Clauses 1.1 (c), 4.1, 8.3, and 12.1.2 have been amended.	15 July 1968

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan' 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7 (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13 (iii) Second Floor, Sathymurthy Bhavan, 54 General Patters Road, Madras, and (iv) 117/418-B Sarvodaya Nagar, Kanpur.

[No. MD/13:5.]
(Dr.) SADGOPAL,
Deputy Director General.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 12th July 1968

S.O. 2660.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Messrs Shaw Wallace and Company Limited, Parasla, District Chhindwara (Madhya Pradesh) and their workmen, which was received by the Central Government on the 9th July, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
JABALPUR**

Dated June 27, 1968

Shri G. C. Agarwala, Presiding Officer.

PRESENT:

CASE REFERENCE No. CGIT/LC(R) (35) of 1968

PARTIES:

Employers in relation to the management of M/s Shaw Wallace & Co. Ltd., Parasla

Vs.

Their workman Shri Manjoo S/o Dhunda, Timberman.

APPEARANCES:

For employers—None.

For workman—None.

INDUSTRY: Coal

DISTRICT: Chhindwara (M.P.)

AWARD

The Ministry of Labour, Employment & Rehabilitation, Department of Labour & Employment, Government of India, referred the following dispute as stated in the schedule to the order of reference to this Tribunal by Notification No 5/80/67-LR.II, dated 13th May, 1968:—

Matter of Dispute

Whether the action of the management of Messrs Shaw Wallace and Company Limited, Post Office Parasla, District Chhindwara (Madhya Pradesh) in retiring Shri Manjoo son of Dhunda, Timberman of Datla West Colliery with effect from the 1st September, 1966, in the absence of fixed pension or gratuity scheme and in the absence of any provision in their Standing Orders to this effect, is justified? If not, to what relief is the workman entitled.

The dispute relates to the retirement of a workman Shri Manjoo. After the receipt of reference, when no statements of claim were received from the parties as required by Rule 10B I.D. Act Rules notices were issued to parties to file written statements. In response to the notices, the management sent a compromise settlement purported to have been arrived at with the workman concerned Shri Manjoo by the management. The terms of this are reproduced in annexure. The compromise settlement appears to be just and fair. The workman concerned has agreed to accept a sum of Rs. 500 (Rupees five hundred) in full and final settlement of the claim. An award is therefore recorded in terms of the settlement.

(Sd.) G. C. AGARWALA,
Presiding Officer,
27-6-1968

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR

PARTIES:

Shri Manjoo S/o Dhundoo, C/o Satpuda Koyala Khadan Mazdoor Congress,
Junnordeo (Distt.—Chhindwara)—*Applicant*.

Versus

Manager, Datla West Colliery, P.O. Dungaria (Distt.—Chhindwara) M.P.—
Non-applicants.

REFERENCE:

A.L.C.(C) Jabalpur Failure of Conciliation Report No. J-58(194)/67 dated
29th Nov. 1967, Ministry of Labour, Employment & Rehabilitation,
New Delhi File (S.O.) No. 5/80/67-LRII.

1. That without prejudice to the contentions of the parties, the above matter
has been amicably settled between the parties on the following terms:—

- (a) That Shri Manjoo S/o Dhundoo Ex-Timberman, Datla West Colliery
will be paid an amount of Rs. Five Hundred only in full & final
settlement of all his claims against the non-applicants towards his
voluntary retirement from service;
- (b) That parties will bear their respective costs of this Reference;

It is, therefore, humbly prayed that this compromise may kindly be recorded
and an award passed in terms thereof.

(Signature of Manjoo
S/o Dhundoo)

(Sd.) C. P. GHULATI,
Labour Officer
for management of Datla
West Colliery
P.O. Dungaria

L.T.M. of Manjoo

Witnesses:—

1. (Sd.) RAM NARAYAN SINGH THAKUR,
General Secretary,
Satpuda Koyala Khadan Mazdoor Congress,
Junnordeo
2. (Sd.) G. N. SHAH,
General Secretary,
Satpuda Koyala Khadan Mazdoor Congress,
Junnordeo

Dated 23rd May, 1968
at Parasia.

Part of Award

(Sd.) G. C. AGARWALA,
Presiding Officer.
[No. 5/80/67-LRII]

S.O. 2661.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14
of 1947), the Central Government hereby publishes the following award of the
Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in
relation to the Sial Ghogri Colliery (owned by Messrs Sial Ghogri Group, Nelson
Square, Nagpur) and their workmen which was received by the Central Govern-
ment on the 9th July, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

Dated July 2, 1968

PRESENT:

Sri G. C. Agarwala, Presiding Officer.

CASE REF. No. CGIT/LC(R)(145) OF 1967

PARTIES:

Employers in relation to the Sial Ghogri Colliery (owned by M/s Sial Ghogri Group, Nelson Square, Nagpur)

Vs.

Their workmen represented through Sri Ramnarain Singh, General Secretary, Satpura Koyala Khadan Mazdoor Congress.

APPEARANCES:

For employers—Sri G. S. Gupta, Officer of the Sial Ghogri.

For workmen—Sri Abdul Matin, workman concerned and Sri Ramnarain Singh, General Secretary, Satpura Koyala Khadan Mazdoor Congress.

INDUSTRY: Coal Mine

DISTRICT: Nagpur (M.S.)

AWARD

By Notification No. 5/41/67-LRII dated 10-10-1967, the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal for adjudication:—

Matter of Dispute

Whether the management of the Sial Ghogri Colliery was justified in stopping Shri Matin, Clerk, Sial Ghogri Colliery from work with effect from the 5th June, 1967 and Subsequently retrenching him from service by their letter dated the 19th July, 1967? If not, to what relief is the workman entitled?

2. It appears that Sri Abdul Matin as admitted by him in his statement was employed with one Sri Gulam Rasool, Quarry Contractor of the employers, in the years 1964-65 and 1965-66. He was thereafter Clerk with the employers, the Sial Ghogri Colliery. It is alleged by him that on 3-6-1967 the Manager, Sri I. P. Mishra, verbally told him not to come for work from 5-6-1967. He had been attending office every day but was not assigned any work. He then sent an application to the Regional Labour Commissioner (Ex. W/1) on 13-6-1967 and also sent written communications to the Manager under registered post A/D on 20-6-1967 (Ex. W/2 to W/4). The Labour Enforcement Officer called for the comments from the Manager (Ex. W/5). On receipt of this communication the Manager sent an order to Sri Abdul Matin on 22-6-1967 (Ex. W/6) transferring him to work as a clerk with Sri Gulam Rasool, Quarry Contractor, at Quarry No. 17A. Although he was not bound to carry out the order he reported to Sri Gulam Rasool, Quarry Contractor, who denied him employment. He, therefore, again applied to the Manager by application dated 26-6-1967 (Ex. W/7) forwarding a copy to Regional Labour Commissioner (Central) intimating that he was not being taken by the Contractor. This communication was sent under registered post (postal receipt Ex. W/8) but no action was taken. On the other hand, the Manager cooked up a false plea that he had not approached the Contractor for work and issued an ante-dated charge-sheet which is dated 15-7-1967 but was received on 29-7-1967 (Ex. W/9). He was asked to explain why disciplinary action should not be taken for non-compliance with the order. Simultaneously with this, Sri Abdul Matin was served with a retrenchment notice dated 19-7-1967 (Ex. W/10) and was retrenched with effect from 18-8-1967 during the pendency of conciliation proceedings and without compliance with due formalities of law. He claimed to be reinstated with back wages.

3. The management resisted the claims on various grounds denying the liability to reinstate him. It was contended that he had not been verbally stopped from work, that he refused to comply with the transfer order, that the contractor was never unwilling to take him and that he was validly retrenched and he himself did not accept retrenchment compensation.

4. The following additional issues framed in the case on hearing rendered on 29-2-1968 will show the points in controversy:—

Addl. Issues

- (1) Whether Shri Abdul Matin was orally stopped from work from 5th June, 1967?
- (2) (a) Whether the order requiring him to work with Quarry Contractor, Shri Gulam Rasool, was justified?
(b) Was he denied work by the Contractor?
(c) Did it violate provisions of Section 33 I.D. Act.?
- (3) Was he charge-sheeted on 15-7-1967 mala fide.
- (4) Was there a bonafide retrenchment?
- (5) Was the retrenchment unjustified and illegal for reasons given in paragraph 12 of the written statement of Shri Abdul Matin?

When the case was taken up for evidence and hearing on 1-7-1968 it may be mentioned that Sri Abdul Matin examined himself and proved the documents Ex. W/1 to W/11. He was cross-examined by the management's representative. No evidence whatsoever oral or documentary, was produced by the management. Findings:—

Issue No. 1.—The statement of Sri Abdul Matin on oath remains un rebutted. He stated that he was told by the Manager on 3rd June, 1967 that he would not be given work from 5th June, 1967. The statement stands corroborated by the application (Ex. W/1) made to the Regional Labour Commissioner (Central) and to the Manager himself (Ex. W/2). It is, therefore, held that Sri Abdul Matin was verbally stopped from work with effect from 5-6-1967.

Issues No. 2(a), (b) & (c).—The order requiring him to work with Quarry Contractor, Sri Gulam Sasool, was unjustified. He had ceased to be a Contractor's employee and was employed with the Colliery from 4-7-1966. The statement of Sri Abdul Matin that he was not provided work by the Contractor remains unassailed. The order of transfer was in violation of Section 33 I.D. Act as the complaint of Sri Abdul Matin was already pending before the Conciliation Officer. All the three parts of the issue are held against the management.

Issue No. 3.—The charge-sheet dated 15-7-1967 which apparently was ante-dated as it was served on 29-7-67 and was evidently mala fide to cover up the laches. There was no question of Sri Abdul Matin not complying with the order. As a matter of fact, the Contractor had refused to take him on work. The very fact that the charge-sheet was not proceeded with further and Sri Abdul Matin was retrenched by notice dated 19-7-1967 is clear proof of mala fides of the charge-sheet.

Issues No. 4 & 5.—Retrenchment obviously was not bonafide. This was evidently resorted to get rid of Sri Abdul Matin and to cover up past lapses. There is no evidence produced by the management that the retrenchment was bonafide and justified. Sri Abdul Matin has stated that there are two clerks junior to him, S/Sri Sansilal and R. S. Verma who are still in service. Notice of retrenchment was given to Sri R. S. Verma but that was cancelled. There is no evidence that the retrenchment was brought about with due formalities of law. He has denied that any retrenchment compensation was offered. Thus, it is held that retrenchment was neither bonafide nor justified nor was brought about in accordance with rules and law. Sri Abdul Matin shall be deemed to have been in service.

Decision.—The result is that the reference is answered in favour of Sri Abdul Matin. It is held that he was wrongfully stopped from work with effect from 5th June, 1967 and the retrenchment by letter dated 19-7-1967 was mala fide and was unjustified. He is entitled to be reinstated with back wages. It is directed accordingly. He shall further be paid Rs. 100/- as costs of the proceedings.

Sd/- G. C. AGARWALA,
Presiding Officer.

[No. 5/41/67-LRII.]

S.O. 2662.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad, and their workmen, which was received by the Central Government on the 10th July, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 11 of 1964

PARTIES:

Employers in relation to the Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, (Dhanbad).

Versus

Their Workmen.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers.—Shri S. S. Mukherjee, Advocate.

For the Workmen.—Shri D. Narsingh, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 29th June, 1968.

AWARD

This is one of a batch of eight cases which have been remanded to this Tribunal by the Patna High Court. As I have stated in the other Awards, Shri S. S. Mukherjee, Advocate, appearing for the employers, took the preliminary objection in all these references that they were not valid because they were not cases of industrial but individual disputes. Shri Raj Kishore Prasad, who was then the Presiding Officer of this Tribunal, upheld the preliminary objection and rejected all the references. The workmen filed Writ Applications in the Patna High Court against his Awards. Their Lordships first took up Civil Writ Jurisdiction Case No. 192 of 1966 which arose out of Reference No. 97 of 1963 and gave a reasoned judgement. They laid down the principle that the crucial date was the date of reference and that the reference would be valid if, before the date on which it is made, the union comes into existence and the concerned workman becomes its member so that the individual dispute turns into an industrial dispute. This decision has been reported as the case of workmen of Jamadoba Colliery of Tata Iron and Steel Company Ltd., Vs. Jamadoba Colliery of Tata Iron and Steel Company Ltd., Jamadoba and another [1967 (II) L.L.J. 663]. C.W. J.C. No. 404 of 1966 arose out of the present reference. Their Lordships took up this case and, applying the principle laid down in C.W.J.C. 192 of 1966, quashed the Award given in this case and remanded the reference to this Tribunal for hearing on merits and for disposal in accordance with law.

2. Shri S. S. Mukherjee attempted to raise the preliminary objection again, saying that the workman concerned in this case did not become a member of the union even before the date of reference. I did not permit him to raise the objection because their Lordships did not only lay down a principle of law but they also applied it to the facts of this case.

3. The Central Government has made this reference by its Order No. 2/71/63-LRII, dated, 22nd January, 1964, for adjudication by this Tribunal of the dispute mentioned in the schedule which is as follows:—

SCHEDULE

"Whether the dismissal from service of Shri Ismail No. II, C.R.O. Miner of Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, (District Dhanbad) with effect from 9th May, 1962 was justified? If not, to what relief is the workman entitled?"

4. Ismail No. II was employed as C.R.O. Miner in Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, (District Dhanbad). He made a complaint (Ext. M) dated the 7th February, 1962 to the Manager of the Colliery, saying that Bangteswar Ojha had been included in the gang in which he was working, that he caused trouble and that, at his instigation, Sambhunath Choubey a miner of the same gang, had assaulted him in B shift on the 6th February, 1962. Shri S. N. Pandey held a preliminary enquiry in the case and the proceedings of that enquiry are Ext. M1. Three witnesses named Jailam, Fagu and Kamal stated that there was a mutual fight between Ismail No. II and Sambhunath Choubey because the latter asked the former not to put a lump of coal in the mine car which he himself was loading, but the former did not listen. In his report (Ext. M2) dated 16th February, 1962, the enquiring officer, Shri S. N. Pandey, Welfare Officer (P), reported that he was satisfied that there was a fighting between Shri Sambhu Choubey and Shri Ismail No. II and that both of them were more or less equally responsible. He also found that no evidence was available against Bangteswar Ojha. Chargesheet No. 112/62 dated 16/19th February, 1962, was issued to Ismail No. II, charging him with misconduct under clause 19(5) of the Standing Orders. This is Ext. M3. His reply is Ext. M4 dated 23rd February, 1962. It appears that another charge sheet was issued against Shri Sambhunath Choubey also.

5. Shri S. N. Pandey was asked to hold an enquiry in both cases and he held a joint enquiry against both persons. He again recorded the statements of witnesses who said that they had already made their statements at the preliminary enquiry, that those statements had been read out in hindi to them, and that they had no further statement to make. Shri Ismail made a similar statement. The Enquiring Officer submitted a fresh report (Ext. M7) on the 5th March, 1962. He found both the alleged delinquents to be guilty of the charges framed against them. The Chief Mining Engineer issued a letter (Ext. M8) dated 2/3rd May, 1962 to Ismail, dismissing him from the Company's service with effect from 9th May, 62.

6. Shri D. Narsingh, Advocate, who has appeared on behalf of the Union, has urged several points in support of his argument that the domestic enquiry has to be held to be vitiated in this case. The first point which he has urged is that the charge framed against Ismail is vague. The main part of the charge is as follows:—

"In the preliminary enquiry held into the allegation of fighting underground while on duty on 6th February, 1962 in B shift, it has been established that both of you are responsible for taking law into your hands".

7. On the basis of this allegation, it was stated that he was punishable under clause 19(5) of the Standing Orders. Shri Narsingh has stated that the expression 'taking law into your hands' is not at all clear. In my opinion, there is no substance in the argument because it has been clearly stated that he had been charged for fighting underground while on duty.

8. The next point which learned Counsel has argued is that the charge is bad because it states that the fact that he was fighting underground had been established against Ismail instead of stating that a prima-facie case had been made out. I do not think that charges framed by non-technical people like Officers of the employers in relation to the Colliery should be so critically examined. It would certainly have been better if the expression 'prima-facie' had been used but I do not think that the charge can be held to be vitiated simply because the word 'established' has been used.

9. The third point which Shri Narsingh has raised is that, in his report (Ext. M2) after the preliminary enquiry, the Enquiring Officer has held the case of fighting to be established and hence he should not have been asked to make the formal domestic enquiry. As held by the Kerala High Court in Jacob Mathew Versus Professor of Medicine, Medical College, Trivendrum, and another—1966 (II) L.L.J. 638, the fact that a man holds a preliminary enquiry does not disqualify him from holding the formal enquiry.

10. The fourth point which Shri Narsingh has argued is that the employers have not established a case of assault against Ismail. It was not at all necessary for the employers to establish a case of assault when the charge alleged that he took part in fighting and the misconduct defined in clause 19(5) includes fighting among other things. This point also, therefore, fails.

11. The last point which learned counsel has taken is that, while saying that Sambhunath had no authority to stop Ismail from loading coal in the mine car,

the Enquiring Officer has erred in saying that Ismail had also no business to resist with physical force and violate the peaceful working in the mine. The evidence does not show that Sambhu physically stopped Ismail from putting the lump of coal on the mine car. He must have asked him verbally not to put coal on the car. The evidence also shows that Ismail did not listen and there was exchange of abuses between him and Sambhu, leading to a fight between the two. In these circumstances, it seems clear that both were equally responsible for the fighting. All that has happened is that the Enquiring Officer has put the whole matter shortly and has not given his conclusion in detail. I also find that as he has discussed the reasons for his findings, there is nothing wrong in his report.

12. In the circumstances mentioned above, I hold that the dismissal of Shri Ismail No. 11 with effect from 9th May, 1962, is justified and no ground has been made out for interference. The second question does not, therefore, arise for consideration. This is my award. Let it be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

Sd./- KAMIA SAHAI,
Presiding Officer.

[No. 2/71/63-LR. II.]

S.O. 2663.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Sial Ghogri Colliery, Post Office Junnordeo, District Chhindwara (Madhya Pradesh) and their workmen, which was received by the Central Government on the 10th July, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Dated July 2, 1968

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

Case Reference No. CGIT/LC(R)(36) of 1968

PARTIES:

Employers in relation to the management of Sial Ghogri Colliery, P.O. Junnordeo.

Vs.

Their workmen represented by the General Secretary, Satpura Koyala Khadan Mazdoor Congress, P.O. Junnordeo.

APPEARANCES:

For employers.—Shri G. S. Gupta.

For workmen.—Shri Ramnarayan Singh, General Secretary, Satpura Koyala Khadan Mazdoor Congress.

INDUSTRY: Coal.

DISTRICT: Chhindwara (M.P.)

AWARD

The Ministry of Labour, Employment & Rehabilitation, Department of Labour & Employment, Government of India, referred the following dispute as stated in the schedule to the order of reference to this Tribunal by Notification No. 5/5/68-LR-II, dated 18th May, 1968:—

Matter of Dispute

Whether the action of the management of Sial Ghogri Colliery, Post Office Junnordeo, District Chhindwara (Madhya Pradesh) in stopping the workmen *viz.*, Sarvashri Ganpat, Sohan, Surajlal and Horilal, tub loaders, from service with effect from the 9th January, 1968 was justified? If not, to what relief are these workmen entitled?

Before the statement of claims could be filed the parties at a very early stage of a reference compromised the dispute and filed a petition of compromise settlement which was duly verified before me and terms of which are reproduced in the

annexure. All the four concerned workmen have been taken back on work and have been paid an ex-gratia payment. Dispute is thus satisfactorily resolved and award is recorded in terms of compromise settlement.

(Sd.) G. C. AGARWALA,
Presiding Officer.

2-7-1968.

To,
The Presiding Officer,
Industrial Tribunal-Cum-Labour Court at
JABALPORE
Form H.
(Sec rule 58)

Case No. 5/5/68-LRII dated 22-2-68.

Form for Memorandum of settlement.

Names of Parties :—
Rep. employer.]

Shri J.S. Sial Partner,
M/s. Sial Ghoghri Colliery,
Group of Mines, H.O. Nagpore.

Representing workman :—

Ramnarayan Singh,
General Secretary,
Satpura Koyala Khadan Mazdoor Congress,
P.O. Junnardeo, Distt. Chhindwara.

Short Recital of the case

Sarva Shri Ganpat s/o Pinmu, Sohan, s/o Lachhman, Surajlal s/o Bhadoo, Horilal s/o Khillitub loaders have been stopped from work illegally by the Management of M/s. Sial Ghoghri Colliery, P.O. Junnardeo, these all the workmen are permanent employee of the company.

All the negotiations failed, thus Satpura Koyala Khadan Mazdoor Congress Labour Union P.O. Junnardeo raised an Industrial Dispute before the Assistant Labour Commissioner, C. Chhindwara which ended in failure, thus case has been referred to the Ministry, which was forwarded to the Presiding Officer, Industrial Tribunal-Cum-Labour Court at Jabalpure for adjudication.

Terms of mutual settlement

It has been agreed by the Management and both the parties that each of the workman concerned will be paid Rs. 50/- each as ex-gratia up to 1st July 1968, and all these four workers i.e. Sarva Shri Ganpat, Sohan, Surajlal and Horilal will be reinstated in continuous services and they will be provided work at No. 5 mine of Sial Ghoghri Colliery. These workers have been allowed work from 27th May 1968.

Now the case has been decided in full.

(Sd.) J.S. SIAL,
Partner,
M/s Sial Ghoghri Colliery
Group of Mines, H.O. Nagpore.

Signature of parties.

(Sd.) RAMNARAYAN SINGH,
Gen. Secy.
Satpura Koyala Khadan Mazdoor Congress,
H.O. Junnardeo, Distt. Chhindwara.

Witnesses :—

Verified

Sd/- G. C. AGARWALA 1-7-68

Dated, 29th June 1968

Part of the award

Sd/- G. C. AGARWALA,
2-7-68

[No. F. 5/5/68-LRII.]

S.O. 2664—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad, and their workmen, which was received by the Central Government on the 9th July, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 116 OF 1967.

In the matter of an industrial dispute under Section 10 (1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad.

AND

Their workmen.

APPEARANCES:

For the employers.—None.

For the workmen.—None.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 2nd July, 1968/11th Ashadha, 1890 (Saka)

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post office Jealgora, District Dhanbad and their workmen, by its order No. 2/3/66-LR11, dated 8th March 1966 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the management of the Jamadoba colliery of Messrs Tata Iron and Steel Company Limited was justified in suspending Shri S. M. Choudhury, Overman, for ten days with effect from the 8th November, 1965? If not, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 39 of 1966 on its file. Workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal Dhanbad, the proceeding was transferred to this Tribunal by the Central Government, by its order No. 8/25/67-LR11, dated 8th May, 1967 under Section 33B of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 116 of 1967. Employers filed their statement of demands.

3. The admitted case of the parties is this: Shri S. M. Choudhury, Overman (hereinafter referred to as the affected workman) was an employee of Jamadoba colliery of the employers. On 23rd September 1965 he was charge-sheeted under Clause 19(19) of the Certified Standing Orders of the employers with the allegation that he had contravened Clauses (a) & (b) of Regulation 43(8) of the Coal Mines Regulations, 1957, stating that on 14th September 1965 when he was on duty in second shift from 4 p.m. to 12 mid-night he left his duty earlier without handing over charge to his next shift man. After service of the above charge-sheet the affected workman submitted his explanation denying the charge. The Welfare

Officer (P) of Jamadoba Colliery conducted the enquiry and found the affected workman guilty of the charge. Consequently, the Manager of the colliery issued an order on 22/25th October 1965 suspending the affected workman for 10 days with effect from 8th November 1965. Now the complaint of the workmen is that the domestic enquiry conducted by the Welfare Officer was gross violation of the principles of natural justice, that the Enquiry Officer, being their employee was under the influence of the Manager and the Assistant Manager of the colliery and that, as the result, he gave the finding of guilt against the affected workman which was baseless, malicious and perverse. On the other hand the stand taken by the employers is that the departmental enquiry was quite in order and that the punishment awarded to the affected workman was too lenient in view of the fact that he was guilty of serious violation of the Coal Mines Regulation. In spite of service of notice and in spite of adjourning the case the workmen did not chose to appear. The adjournment application of the employers was rejected as it did not disclose satisfactory cause. Hence, the case proceeded in accordance with Rule 22 of the Industrial Disputes (Central) Rules, 1967, as though the parties were duly present or represented.

4. On their own showing the affected workman was served with the charge-sheet and he had submitted his explanation. The charge-sheet was under Clause 19(19) of the Certified Standing Orders of the employers. Clause 19 of the Certified Standing Orders provides for suspension, fine or dismissal without notice or any compensation in lieu of notice if an employee is found guilty of misconduct. Under the Clause 20 instances of misconduct are enumerated. Instance 19 is a breach of Indian Mines Act, or of any other Act, or of the rules or by-laws thereunder, or of Standing Orders. The Coal Mines Regulations, 1957 were framed by the Central Government in exercise of the powers conferred by Section 57 of the Mines Act, 1952. So, the Mines Regulations are part of the Mines Act, 1952. Regulation 43 of the Coal Mines Regulations, 1957, under which the affected workman was charged, deals with the duties and responsibilities of an overman. Sub-clauses (a) & (b) of Sub-regulation (8) of the Regulation lays down that an overman shall devote the whole of his time to his duties and shall not, except for a justifiable cause, leave the district in his charge until he has finished his duties, or until relieved by a duly appointed substitute. Admittedly, the duty of the affected workman on 14th September 1965 was in second shift from 4 p.m. to 12 mid-night, and, as such, he was not expected to leave his district before 12 mid-night or before he was relieved by another overman. It is not denied that the domestic enquiry was conducted in presence of the affected workman and that he had cross-examined the management's witnesses and also examined his defence witness. In his statement recorded in the domestic enquiry it appears that he had deposed that he had left the mine at 11-30 p.m. and came out of the mine to hear the All India Radio news of 11-55 p.m. So, admittedly, he left his district before 12 mid-night not for any justifiable cause. He also stated that on the way from the mine he met the Manager and the Assistant Manager. The Manager and the Assistant Manager have deposed that they saw the affected workman near the Jamadoba dispensary at about 10-45 p.m. The defence witness has in his evidence that he went to the pit top at 12 mid-night and it was then that the affected workman met him. The Enquiry Officer was inclined to believe the Manager and the Assistant Manager. On this material it cannot be said that the finding of the Enquiry Officer was perverse. There is also no room to contend that the affected workman was not given an opportunity to cross-examine the management's witnesses or defend himself or that the domestic enquiry was in violation of principles of natural justice. On behalf of the employers the overman's daily report and Form C/E registers are produced from which it appears that the affected workman had made entries in them that he was on duty till 12 mid-night. On his showing it was not a fact. The Manager was quite competent to pass the dismissal order; it is only in the case of dismissal that approval of the owner, Agent or Chief Mining Engineer of the company is required under clause 20 of the Standing Orders. For these reasons I find that the employers were quite justified in taking the action complained of against the affected workman.

5. I, therefore, find that the management of Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited was justified in suspending the affected workman, Shri S. M. Choudhury, overman for 10 days with effect from the 8th November, 1965 and, as such, he is not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd./- N. VENKATA RAO.

Presiding Officer,
Central Government Industrial Tribunal,
(No. 2) at Dhanbad.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, AT DHANBAD

REFERENCE NO. 166 OF 1967

Employers in relation to the Management of Jamadoba Colliery of Messrs Tata Iron and Steel Company Ltd. Jamadoba, Post Office Jealgora, District Dhanbad

AND

Their workman

List of documents Admitted in evidence for Employers

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Nil	Nil	Nil	Nil	Nil	Nil

List of Documents Admitted in evidence for workman

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Nil	Nil	Nil	Nil	Nil	Nil

(Sd.) N. VENKATA RAO
Presiding Officer,
Central Govt. Industrial Tribunal
No. 2, Dhanad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

REFERENCE NO. 116 OF 1967

Employers in relation to the Management of Jamadoba Colliery of Messrs Tata Iron & Steel Company Ltd. Jamadoba, Post Office Jealgora, District Dhanbad.

AND

Their workman

List of witness examined for the Employers

No. of witness	Name of witness	Date of Examination
Nil	Nil	Nil

List of Witness examined for the workman

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

(N. Venkata Rao)
 Presiding Officer,
 Central Govt. Industrial Tribunal
 No. 2, Dhanbad.
 [F. No. 2/3/66-LRII]]

New Delhi, the 15th July 1968

S.O. 2665.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora (Dhanbad) and their workmen, which was received by the Central Government on the 10th July, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 10 OF 1964

PARTIES:

Employers in relation to the Jamadoba Colliery of Messrs Tata Iron & Steel Co. Limited, Jamadoba, P.O. Jealgora (Dhanbad).

Vs.

Their Workmen.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri D. Narsingh, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 25th June 1968

AWARD

By order No. 2/64/63-LRII, dated the 22nd January, 1964, the Government of India, Ministry of Labour, has referred to this Tribunal for adjudication an industrial dispute referred to in the following schedule:

SCHEDULE

"Whether the dismissal from service of Shri L. C. Sen, (Ticket No. 4039, Grade II Clerk, Washing Plant, Jamadoba of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora (Dhanbad), with effect from 26th December, 1961, was justified? If not, to what relief is the workman entitled?"

2. This is a batch of eight references in which Shri S. S. Mukherjee, Advocate appearing on behalf of the employers, took the preliminary objection that the cases were not those of industrial disputes but were cases of individual disputes. Shri Raj Kishore Prasad, the then Presiding Officer of the Tribunal, took up all the cases for hearing and he upheld the preliminary objection in all of them with the result that he rejected the references. The workmen filed writ applications before the Patna High Court. Their Lordship first took up C.W.J.C. 192 of 1966 arising out

of reference No. 97 of 1963. The judgement which they delivered in that case is reported as workmen of Jamadoba Colliery of Tata Iron and Steel Company Ltd., versus Jamadoba Colliery of Tata Iron and Steel Company Ltd., Jamadoba and another [1967 (II) L.L.J. 663]. The principle which their Lordship have laid down in that case is that an individual dispute turns into an industrial dispute if, before the reference, the union comes into existence and the concerned workmen becomes a member of that union or if a substantial number of workers sponsor the cause of the concerned workmen. C.W.J.C. No. 318 of 1966 arose out of the present reference. Applying the principle laid down in the case referred to above, they quashed the decision of the Tribunal in this case. They further said "Counsel, however, urged that there was an interval of nearly three years between the date of dismissal on the one hand and the date on which the concerned workman became a member of the Union and that in view of this interval the dispute had become a stale dispute". They have also said that "this delay may affect the relief to be granted by the Tribunal but it cannot have the effect of invalidating the reference itself". On this basis, they rejected the Counsel's argument and remanded the case to this Tribunal for hearing on merits and disposal in accordance with law.

3. Shri Mukherjee attempted to raise the preliminary objection again but, in view of the fact that their Lordship have not only laid down the principle but have also applied it to the facts of this case, I did not permit him to do so. The parties have, however, been fully heard on merits.

4. Shri L. C. Sen was a clerk in grade II. The case against him is that, on 23rd November, 1961, he was deputed to be the paymaster for distribution of bonus for the quarter ending 30th September, 1961 to hazri workers of the Washery and loading mazdoors and kamins of Jamadoba colliery. Some workers reported to the Manager that Shri Sen was paying short amounts to the workers and the Manager immediately checked the cash in the presence of Shri Sen as well as others. The cash was then found to be short by Rs. 72.40 paise. Chargesheet No. 76/61, dated the 25th November, 1961 (Ext. M1) was issued to Shri Sen. It was stated in the chargesheet that reports were made to the Manager by some of the workers that Shri Sen had paid less amounts to them and that the Manager checked the cash at about 4.40 P.M. and found it to be short by Rs. 72.40. After stating these facts, the chargesheet proceeded, "This is misconduct punishable under section 19(2) of our standing orders for dishonesty with the company's money". It is thus not at all clear from the chargesheet whether the misconduct was alleged to be the act of making short payments to some workmen or the finding of a sum of Rs. 72.40 short in the cash in hand of Shri Sen.

5. In his reply (Ext. M2) dated the 29th November, Shri Sen has stated that the charge originated due to false and mischievous reports of Bhagwandeo Pandey, Usman Ansari and others; that the fact the cash was found to be short showed that there was no surplus and the complaint of short-payments to workmen, was false; that the shortage in the cash in hand was due to *bonafide* mistake and no dishonesty or theft or fraud could be involved because he did not leave his post and the cash was suddenly taken from him, that a number of disturbing elements entered the cash room and that the whole thing became unmanageable. He added that it has been the invariable practice that in case of shortage in the cash the pay master has to make good the shortage.

6. At the instance of the Manager, Shri N. K. Prasad, Welfare Officer, held a preliminary enquiry and recorded the statements of some of the witnesses. On the 4th December, 1961, Shri S. N. Singh, Welfare Officer, issued a notice (Ext. M3) to Shri L. C. Sen and others that he would hold the enquiry into chargesheet No. 76/61 on the 7th December, 1961. Shri S. N. Singh first recorded the statement of Shri L. C. Sen (Ext. M19) who was also cross-examined at length by Shri Chawla, the Manager. The Enquiring Officer then recorded the statement of Shri S. C. Mukherjee, Head Clerk (Ext. M20), Bhagwandeo Pandey, Shunting Jamadar of the Coal Washing Plant (Ext. M21), Shri R. Chawla, Acting Manager (Ext. M22), and Shri N. K. Prasad (Ext. M23).

7. He also recorded the statement of Shri Muni Pandey (Ext. M24), Gangadhar Ganguly (Ext. M25) and K. N. Ojha (Ext. M26). The last two witnesses mainly proved that Bhagwandeo Pandey, Usman and others interfered with Shri L. C. Sen by entering into the payment room and making hulla.

8. The Enquiring Officer then recorded the statements of Hiramany (Ext. M27), Sumi (Ext. M28), Surajmani (Ext. M28), Surajmani (Ext. M30), Chandia (Ext. M31), Lattu (Ext. M32), Churamani (Ext. M33), Nado (Ext. M34), Mishri (Ext. M35), Plyaria (Ext. M36) and Bosla (Ext. M37). These are the kamins or labourers who claimed to have been paid short. Each of them has stated what she or he

was paid but none of them has stated what should have been paid. It is clear from their evidence that Bhagwandeo Pandey and Usman took a leading part in taking them to the Welfare Officer and in getting them to make their complaints. It is only from the statements of these witnesses recorded by Shri N. K. Prasad at the preliminary enquiry (Exts. M6 to M16) that the difference between the amount actually paid and the amount which was payable can be found out.

9. The Enquiring Officer, Shri S. N. Singh, drew up his report (Ext. M39) on the 8th December, 1961. In this report, he has observed:—

“From the evidence on record it is obvious that there was dissatisfaction among the workers about short payment made to them by Shri L. C. Sen and that they reported this matter to Shri Bhagwandeo Pandey and others who in their turn took them to the Manager. This fact coupled with discrepancy found in the cash, establishes the fact that the workers were not paid correct amount”. Another observation which has been made in the report is as follows:—

“However, as pointed out by Shri L. C. Sen it is a fact that while Sri Sen was paying Shri Bhagwandeo Pandey and Usman Ansari and some other workers unauthorisedly entered the payment room and disturbed him in his payment. According to the Rules of the Company no one except the paymasters and the Supervising Officer are permitted to enter the payment room and it was definitely wrong on the part of Bhagwandeo Pandey and others to have taken the law in their own hands and entered in the payment room. This fact definitely goes in favour of Sri L. C. Sen and weakens the Management's case considerably, although Sri L. C. Sen was himself not sure whether he had paid the workers correctly as is borne from his own statement, “I have paid those workers about an hour before and so I do not remember whether they had been paid less. But after checking the cash at the end of the payment I would be able to say whether they had been paid less or not”.

10. Exts. M40 and M41 are notes of some officers to the effect that the workman was guilty and that he ought to be dismissed. The letter (Ext. M42) of the Chief Mining Engineer dated the 20th/22nd December, 1961, addressed to Shri L. C. Sen is to the effect that his guilt had been established against him. It then proceeds:

“On 23rd November 1961 while you were Paymaster of C.B. Bonus for quarter ending 30th September 1961 of the workers of Washing Plant and Loading Mazdoors and Loading Kamins of Jamadoba Colliery, you paid to some of the workers less amount than what was billed in the paysheet”.

Thereafter it has been stated that Shri L. C. Sen was being dismissed from the company's service with effect from the 26th December, 1961.

11. Although the charge as framed was ambiguous as to the exact nature of the misconduct which Shri L. C. Sen was alleged to have committed, it is clear from the letter of dismissal (Ext. M42) that the Chief Mining Engineer found him guilty of having made short payments to some mazdoors and kamins. I must, therefore, proceed on the basis that he has not been punished for the reason that the cash in his hand was found by the Manager to be short when he checked it at about 4.40 P.M.

12. I have now to consider whether the domestic enquiry held against Shri L. C. Sen was in accordance with natural justice.

13. The first infirmity is that the charge is not at all clear. Shri L. C. Sen could not understand whether he was being charged with making short payments to workers or with being found with shortage in the cash in hand.

14. The second infirmity which I find in the proceedings is that the statements of almost all the witnesses were recorded at the preliminary enquiry by Shri N. K. Prasad, Welfare Officer, but it does not appear that copies of these settlements were made over to Sri L. C. Sen.

15. The third infirmity is that, when the formal domestic enquiry by Shri S. N. Singh commenced on the 7th December, Shri L. C. Sen was the first to be examined. He was then cross-examined at great length by Shri R. Chowla, the Manager. The Head Clerk and Shri Bhagwandeo Pandey were then examined. Curiously, enough opportunity was given to R. Chowla and not to L. C. Sen to cross-examine

S. C. Mukherjee. No one appears to have been given an opportunity to cross-examine Bhagwandeo Pandey. Shri Chowla and Shri N. K. Piasad were the next witnesses to be examined. Opportunity to cross-examine them was given to L. C. Sen. Muni Pandey was then examined and no opportunity was given to L. C. Sen to cross-examine him. Shri Chowla was and Shri Sen was not asked to cross-examine the next witnesses namely Gangadhar Ganguly and K. N. Ojha. The kamins and mazdoors whose statements are Exts. M27 to M37 were allowed to be cross-examined by Shri L. C. Sen. There seems to be no good reason why opportunity was denied to L. C. Sen to cross-examine some of the witnesses. Shri Chowla was not an accused and I do not see why he was permitted to cross-examine some of the witnesses.

16. I am also of the opinion that the findings of the Enquiring Officer are inconsistent. In view of his observations in the last paragraph of his report which I have quoted above, it is difficult to see how he could find the charge against Shri L. C. Sen to have been established. The remark which has been made against Sen for not being sure whether he had made short payments is clearly unjustified. A man who is making payments to a large number of workers is certainly liable to make short or high payments to workers by mistake. It is not possible for him to remember whether he has made short or high payments unless he checks the cash at the end. The attitude taken by Shri Sen, therefore, seems to have been perfectly correct.

17. Besides, it seems that Bhagwandeo Pandey, Usman Ansari and others created an adverse atmosphere against Sen and unduly interfered with him when he was making payments as mentioned by the Enquiring Officer. This was against the Rules of the company. The enquiring officer is right in saying that workers reported to the Manager at the instance of these persons that short payments were made to them but it is difficult to understand how he has reached the conclusion that the discrepancy found in the cash supported the allegation of short payments to the workers. This would have been correct if surplus cash had been found by the Manager when he checked it. The cash found by him being short, the worker's report of short payment is definitely not supported by that fact. This finding, therefore, appears to be totally perverse.

18. In the circumstances mentioned above, I am unable to uphold the enquiring officer's finding. In my opinion, the dismissal of Shri L. C. Sen from the service of the Steel Company was unjustified. The next question is what relief he is entitled to. He was dismissed with effect from the 26th December 1961. The union raised the dispute in connection with that dismissal for the first time by a letter which its President wrote to the Conciliation Officer on 23rd September 1963. A great delay was thus caused in raising the dispute. In paragraph 3 of the written statement, the employers have stated that the reference arises out of a belated claim. All that has been said by the union in connection with this allegation in its written statement is that the contention in paragraph 3 of the employers' statement is frivolous and baseless and is, therefore, denied. It is a fact that there was a delay of about two years in raising the dispute. This could not be denied. No circumstance has been given by the union to explain the delay. The judgement of the Madras High Court in United Bleachers (Private) Ltd., Mettupalayam and Labour Court, Coimbatore reported in 1965 (II) L.L.J. 237 has been referred to by their Lordships in their decision in C.W.J.C. No. 318 of 1966. That judgement shows that the reasons and circumstances of delay caused in raising a dispute can be taken into consideration while granting relief. Bearing this principle in mind, I hold that Shri L. C. Sen is entitled to be reinstated and he is also entitled to his back wages from the date of his dismissal upto the date of reinstatement excluding the period from the 26th December, 1961 to the 23rd September, 1963.

This is my award and it may be submitted to the Central Government under section 15 of the Industrial Dispute Act, 1947.

(Sd.) KAMLA SAHAI,
Presiding Officer.
[No. 2/64/63-LRII.]

S.O. 2666—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Jamadoba Colliery of M/s. Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad, and their workmen, which was received by the Central Government on the 10th July, 1968.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT AT DHANBAD**

In the matter of an industrial dispute under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 19 OF 1964

PARTIES:

Employers in relation to the Jamadoba Colliery of M/s. Tata Iron and Steel Co. Ltd., Jamadoba, P.O. Jealgora, Distt. Dhanbad.

Vs.

Their Workmen.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers: Shri S. S. Mukherjee, Advocate.

For the Workmen: Shri D. Narsingh, Advocate.

STATE: Bihar

INDUSTRY: Coal.

Dhanbad, dated the 26th June, 1968

AWARD

This is one of the batch of eight references which have been remanded to this Tribunal by the Patna High Court. Shri S. S. Mukherjee, took the preliminary objection in all the eight cases that the references were invalid because they were all cases of individual and not industrial disputes. Shri Raj Kishore Prasad, the then Presiding Officer, upheld the objection and rejected all the references as invalid. The workmen filed Writ applications against the awards in all the cases. Their Lordships first took up C.W.J.C. 192 of 1966 which arose out of reference No. 97 of 1963. They gave a reasoned judgement in that case, holding that the crucial date was the date of reference and that if, before the date of the reference, the union comes into existence and the concerned workman becomes a member of that union or if a substantial number of workmen sponsor his cause, an individual dispute turns into an industrial dispute. This decision has been reported as the case of workmen of Jamadoba Colliery of Tata Iron and Steel Company, Ltd., Vs. Jamadoba Colliery of Tata Iron and Steel Company, Ltd., Jamadoba and another [1967 (II) L.L.J. 663], C.W.J.C. No. 495 of 1966 arose out of the present reference. Their Lordships took up this case and applying the principle laid down in C.W.J.C. No. 192 of 1966, they allowed the application in this case, quashed the award given by the Tribunal and remanded the case to re-hear it on merits and to dispose it of in accordance with law.

2. When I took up this case, Shri S. S. Mukherjee again attempted to raise the preliminary objection on the basis that the union did not come into existence even before the reference in this case. In view of the fact, however, that their Lordships of the Patna High Court have not only laid down the principle but have also applied that principle to the particular facts of this case, I did not permit him to raise the objection.

3. The Government of India has, by its order No. 2/74/63-LRII dated the 3rd February, 1964, made this reference to this Tribunal for adjudication of a disputes referred to in the schedule attached to the reference which is as follows:—

SCHEDULE

“Whether the dismissal of Shri Bhika Mahato, H. E. Khalasi, T. No. 26323, with effect from the 20th July, 1962 was justified? If not, to what relief is he entitled?”

4. The case against Bhika Mahato may be shortly stated Cap lamp No. 131 was issued to one Suresh, a clipman, permanent. He went on leave from the 14th May, 1962. The cap lamp was supposed to be on the rack in the lamp cabin but it could not be found there from the 13th May onwards. The Lamp Clerk, K. P. Das (Kali Babu) sent a letter (Ext. M) to the Manager on the 16th May, 1962, saying that the lamp was missing. A chargesheet (Ext-M1) dated the 18th May, 1962 was issued to Suresh. He submitted a reply (Ext. M2) dated the 21st May, 1962. An enquiry

was held on the 21st May, 1962. The statement of Suresh (Ext. M3) and the statement of another witness named Hari Mahato (Ext. M4) were recorded on that date. Suresh said that he had found the cap lamp in the house of Bhika Mahato, the concerned workman in this case. On the 22nd June, 1962, chargesheet No. 435 was issued to Bhika Mahato on the allegation that cap lamp No. 131 was found in his house and he was thereby guilty of stealing the company's property—an offence punishable under clause 19(2) of the Standing Orders. He submitted a reply (Ext. M7) dated the 26th June, 1962, saying that he had found the lamp in the haulage room on the 19th May, that he had asked everybody whom the lamp belonged to but no one could give him the information; that he informed the lamp cabin staff on the 20th May but no one took any care and that he prayed that his mistake might be excused.

5. Notice (Ext. M8) was issued on the 26th June, 1962, fixing the 28th June for enquiry. The enquiry was held on the 28th June in the presence of Bhika Mahato but it appears to have been then postponed to the 2nd July, 1962, when the statement of K. P. Das, S. L. Clerk, was recorded. He was cross-examined by Hari Mahato but I do not find anything to show that Bhika Mahato was also present at the enquiry held on that date.

6. Any how, Shri S. N. Pandey, Welfare Officer, the Enquiring Officer, submitted his report (Ext. M14) on the 4th July. The Asstt. Chief Mining Engineer issued a letter (Ext. M15) to Bhika Mahato on the 13th July, 1962 to the effect that he was found guilty of the charge brought against him viz., that of stealing of cap lamp No. 131, and that he was, therefore, being dismissed from the Steel Company's service with effect from the 20th July, 1962. The officer who signed this letter was Shri Neogi and the Chief Mining Engineer's letter (Ext. M16) dated the 31st March, 1962 addressed to the Chief Inspector of Mines shows that Shri Neogi was to take over as Asstt. Chief Mining Engineer and Agent, Jamadoba Group of collieries, with effect from the 1st April, 1962.

7. In his report (Ext. M14), the conclusions to which the Enquiring Officer has arrived at are as follows:—

- (a) That in all probability the lamp No. 131 allotted to Shri Suresh had been left at Bhowra incline by him after his shift i.e., 'A' shift was over on 12-5-1962.
- (b) That the accused having seen no claimant had taken that home on 12-5-62 and kept that with him till the matter leaked out and reached the ears of Sri K. P. Das and Shri Suresh through Hari Mahato on 21-5-1962.
- (c) That at first Shri Hari Mahato gave out the truth to Shri K. P. Das and subsequently when he found that his maternal father-in-law was charge-sheeted for theft and he was likely to be awarded severe punishment he backed upon the truth and corroborated the defence taken by the accused.
- (d) That the defence taken by the accused is after thought because if his intention was not bad he could himself have gone and returned the lamp to the lamp room even though it is accepted that he had found it on 19-5-1962.

It will be seen that all his conclusion are based upon conjectures and surmises. He has not referred to a single piece of evidence in support of any of his findings.

8. The present case is one in which the dishonest intention of Bhikha Mahato has not been established at all. Indeed, the circumstances point to the fact that he was acting *bona fide*.

9. I have already said what Bhikha Mahato has said in his reply (Ext. M7). Shortly stated, he has claimed to have found the cap lamp on 19-5-1962 and there is no evidence at all to contradict him. He seems to be an illiterate man because he could not read the number on the cap lamp. He says that he asked many people as to who the owner was but no one claimed before him to be the owner. The 19th May was a Saturday. If he found the lamp on that day, he could not give information about it to K. P. Das, S. L. Clerk, on Sunday the 20th when his office must have been closed. Hari Mahato has said in his statement (Ext. M10) that he met Bhikha Mahato on the 20th May, 1962 and Bhikha then told him that he had found a lamp on 19-5-1962 but he could not find out its number. He also requested Hari Mahato to bring this fact to the notice of Kali Babu and accordingly he informed Kali Babu about it on the 21st June, 1962. He also conveyed the information to Suresh later in the day on 21-6-1962. There seems to be no reason at all to disbelieve Hari Mahato. In any case, there is no alternative story given by any other witness if Hari Mahato is disbelieved. The statement of

Suresh (Ext. M9) is important only for this reason that he says that he went to Bhikha Mahato and enquired about the lamp. Bhikha immediately told him that he had found the lamp in the haulage room and had brought the same home. Thereafter Bhikha handed over the lamp to Suresh. This is not the conduct of a man who wishes to commit theft or misappropriation of any property.

10. The Enquiring Officer appears to have erred sadly in recording the statement of K. P. Das (Ext. M12) in the absence of Bhikha and in allowing him (K. P. Das) to cross-examine Hari Mahato—also in the absence of Bhikha Mahato. It seems manifest that K. P. Das told a lie when he has said that Hari Mahato told him on 14-5-1962 that he had seen the lamp in the house of Bhikha Mahato on 13-6-1962. His letter (Ext. M) to the Manager is dated the 16th May, 1962. The only information which he has given through this letter is that cap lamp No. 131 was missing. Had he learned on the 14th May, 1962 that the cap lamp was in the house of Bhikha Mahato, he would surely have made an attempt to recover that lamp from there and, in any case, he would have mentioned the fact in Ext. M. It is difficult to know why K. P. Das has told lies but I have not the slightest doubt that he has done so.

11. While cross-examining Hari Mahato, K. P. Das has put it to him that he (Hari) had told K. P. Das on 14-5-1962 that he had seen the cap lamp in the house of Bhikha on 13-5-1962. Hari Mahato has merely answered yes. In the next answer, he has stated that he had told K. P. Das that he had seen the lamp in the house of Bhikha on 13-5-1962 but this may have been due to the fact that the date had already been suggested to him. Luckily, the enquiring officer has also put some questions to Hari Mahato. He has asked him to reconcile the discrepancy in the dates as to when he saw the lamp in Bhikha's house. Hari Mahato then came out with what can be readily accepted. He said that he did not remember dates and that Bhikha had requested him to report about the lamp to Kali Babu. The Enquiring Officer has then put him a question about the relationship and has drawn the fact that Bhikha Mahato is his maternal father-in-law. In view of this admission about relationship, the enquiring officer has built the whole case of Bhikha Mahato being guilty, his defence being an after-thought and Hari Mahato having given false evidence in his favour. As I have said, no witness remains to prove the case against Bhikha if Hari Mahato is disbelieved. The whole of this case, however, is based upon the supposition that the record made by the enquiring officer on the 2nd July, 1962 can be used against Bhikha but, since it seems that Bhikha was not present at the enquiry on that date, the statement recorded by the enquiring officer against Bhikha cannot be used against him.

12. The Enquiring Officer does not seem to have been aware that Bhikha should have been given an opportunity to defend himself. He does not appear to have been asked to cross-examine Hari Mahato. He was not even asked to cross-examine Suresh when he was examined but he was asked to cross-examine Suresh only when he (Bhikha) was being examined.

13. In the circumstances mentioned above, I hold that the enquiry was held in contravention of principles of natural justice and the findings of the enquiring officer are perverse and imaginary. Hence I cannot accept them. As I have already said, the evidence shows on the other hand that Bhikha had no dishonest intention and that no case of theft or any other misconduct has been made out against him. I, therefore, find that his dismissal is altogether unjustified. The relief which he is entitled to is that he should be reinstated and he should be paid his entire back wages from the date of dismissal upto the date of reinstatement with continuity of service. This is the award which I make. Let it be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

Sd/- KAMLA SAHAI,
Presiding Officer.
[No. 2/74/63-LR-II.]

S.O. 2667.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Sial Ghogri Colliery, Post Office Junnordeo, District Chhindwara (Madhya Pradesh) and their workmen, which was received by the Central Government on the 10th July, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

Dated July 2, 1968

PRESENT:

Shri G. C. Agarwal, Presiding Officer.

CASE REFERENCE No. CGIT/LC(R) (12) of 1968

PARTIES:

Employers in relation to the management of Sial Ghoghri Colliery, P.O. Junnordeo.

vs.

Their workman represented by the General Secretary, Satpura Koyala Khadan Mazdoor Congress, P.O. Junnordeo.

APPEARANCES:

For employers.—Shri G. S. Gupta.

For workman.—Shri Ramnarayan Singh, General Secretary, Satpura Koyala Khadan Mazdoor Congress.

INDUSTRY: Coal.

DISTRICT: Chhindwara (M.P.).

AWARD

The Ministry of Labour, Employment & Rehabilitation, Department of Labour & Employment, Government of India, referred the following dispute as stated in the schedule to the order of reference to this Tribunal by Notification No. 5/74/67-LR II, dated 30th January, 1968:—

Matter of Dispute

Whether the action of the management of Sial Ghoghri Colliery, Post Office Junnordeo, District Chhindwara (Madhya Pradesh) in transferring Shri Jangal Singh, Timberman as Tub Loader, *vide* their letter dated the 7th October, 1967 is justified? If not, to what relief is the workman entitled?

After the reference order was received and on issue of usual notices the Union alone filed a statement of claim. None was filed by the employers. Parties however took times on a number of dates and ultimately compromised by filing a compromise petition, terms of which are reproduced in the annexure. The dispute has been satisfactorily settled by *ex-gratia* payment of certain amount to the workman Shri Jangal Singh and he has been allowed to rejoin as Timberman. The compromise settlement is therefore accepted and an award is recorded in terms thereof.

(Sd.) G. C. AGARWALA,
Presiding Officer,
2-7-1968.

Before,

The Presiding Officer,
Central Government,
Industrial Tribunal-Cum- Labour Court at
Jabalpore.

SUBJECT.—*Jangle Singh Timberman, Sial Ghaghri Colliery.*

REFERENCE Case No. CGIT/LC(R)(12) of 1968

Applicant:

Satpura Koyala Khadan Mazdoor Congress, P. O. Junnardeo.

Non applicant:

Manager, Sial Ghoghri Colliery, P. O. Junnardeo.

Short Recital of the case

Shri Jangle Singh Timberman was working as Timberman at Sial Ghoghri Colliery. The Management has wrongfully transferred his services from Timberman to tub loader on 7-10-67. After repeated reminders and requests from

the Union and workman side he has not been allowed to go back on his original job as Timberman and he has been stopped from works.

Satpura Koyala Khadan Mazdoor Congress raised an Industrial Dispute Before Assistant Labour Commissioner Central Chhindwara which ended in failure.

Case has been referred by the Government to the Industrial Tribunal cum-labour court Jabalpure for adjudication.

Terms of mutual settlement.

It has been agreed by the Management that Shri Jangle Singh will be paid a sum of Rs. 200/- (Rupees Two hundred) as *Ex-gratia* and he will be re-instated in continuous services. He has been allowed to go on his duties from 31st May, 1968 to Timberman.

This Rs. 200/- will be paid to him in the first week of July 1968.

Signature of parties.

(Sd.) RAMNARAYAN SINGH,

General Secretary,

Satpura Koyal Khadan Mazdoor Congress,

H. O. Junnardeo, District Chhindwara,

M. P.

For Sial Ghogri Group

(Sd.) J. S. SIAL,

Partner,

M/s. Sial Ghoghri Colliery Group of

Mines, H.O. Nagpore.

Verified

(Sd.) G. C. AGARWALA,

1-7-68.

Sd./- Illegible,

Part of the Award

For Sial Ghogri Group.

2-7-68.

[No. 5/74/67-LR.II.]

S.O. 2668.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the Badjna Colliery of Oriental Coal Company Limited, Post Office Nirsachatti, District Dhanbad and their workmen, which was received by the Central Government on the 11th July, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No. 100 of 1967

In the matter of an industrial dispute under Section 10(1) (d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Badjna Colliery of Oriental Coal Company Limited, Post Office Nirsachatti, District Dhanbad.

AND

Their workmen

APPEARANCES:

For the employers—Shri K. C. Nandkeolyar, Deputy Chief Personnel Officer.

For the workmen—Shri B. N. Singh, Advocate
and

Shri Pyara Singh,
President,
Badjna Colliery Workers Union.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 6th July, 1968

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Badjna Colliery of Oriental Coal Company Limited, Post office Nirshachatti, District Dhanbad, and their workmen, by its order No. 2/150/65-LRII dated 17th January 1966 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

“Whether the dismissal of Shri Sheo Nath Gope, Magazine Guard, by the management of Badjna Colliery of Oriental Coal Company Limited with effect from the 11th June 1965 was justified? If not, to what relief is the workman entitled?”

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 12 of 1966 on its file. Workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad, the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May, 1967 under Section 33B of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 100 of 1967. Employers filed their statement of demands.

3. On 6th June 1968 the parties filed a compromise memo stating that in terms of the compromise the dispute involved in the reference is settled to the entire satisfaction of the parties. The workmen were represented by Shri B. N. Singh, Advocate and Shri Pyara Singh, President, Badjna Collieries Mazdoor Union and the employers by Shri K. C. Nandkeolyar, Deputy Chief Personnel Officer. The compromise memo is duly varified. Having gone through the terms of compromise I find them fair and reasonable and beneficial to the affected workman. The compromise is, therefore, accepted and the award is made in terms of the compromise. The compromise memo is annexed herewith and made part of the award. The award is submitted under section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal (No. 2),
Dhanbad.

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL NO. 2, DHANBAD**

In the matter of Reference No. 100/67.

BETWEEN

Employer in relation to Badjna Colliery of M/s. Oriental Coal Co. Ltd., P.O.
Nirshachatti, District Dhanbad.

AND

Their workmen as represented by Badjna Colliery Workers Union. P.O.
Nirshachatti District, Dhanbad.

Joint Petition of Compromise by both the parties

It is respectfully submitted:—

(1) That this case is fixed for hearing today, the 4th June, 1968, before your Honour.

(2) That this case relates to the dismissal of Shri Sheo Nath Gope, Magazine Guard of Badjna Colliery of M/s. Oriental Coal Co. Ltd., with effect from 11th June, 1965.

(3) That after mutual negotiations and with a view to maintain harmonious industrial relation this Industrial Dispute has been resolved and settled by the parties, without prejudice to their respective stands, on the following:—

Terms:

- (a) That the management agrees to reinstate Shri Sheo Nath Gope, the workman concerned in his old job within 3 days of this settlement provided he is physically fit and further agrees to treat the said workman's period of un-employment as leave without wages to maintain continuity of Service.
- (b) That in case the workman concerned be not medically fit, then the services of the said workman will be terminated as termination simpliciter and a nominee of the said workman will be given a job as a fresh appointee in the Colliery.
- (c) That the workman agrees with the above terms as being fair and reasonable.
- (d) That your honour may kindly hold these terms as fair and reasonable and accept this settlement and give the Award accordingly.
- (5) That the parties will bear their own costs:

It is therefore humbly submitted by both the parties that your honour shall be graciously pleased to accept this settlement as fair and reasonable and your honour may be further pleased to give the award in terms of this settlement.

And for this act of kindness your petitioners shall, as in duty bound ever pray.

Dated 6th June, 1968.

For Workman.

For Employers.

For Employers,

(Sd.) K. C. NANDKEOLYAR,

Dy. Chief Personnel Officer,

M/s. K. C. Thapar & Bros. (P) Ltd.

(Sd.) PUARA SINGH,

President.

Badjna Colliery Workers Union.

[No. 2/150/65-LRII.]

New Delhi, the 17th July 1968

S.O. 2669.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the Dhori Colliery, Post Office Bermo, District Hazaribagh, and their workmen, which was received by the Central Government on the 11th July, 1968.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD**

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No. 73 of 1967

In the matter of an industrial dispute under Section 10(1) (d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Dhori Colliery, Post Office Bermo, District Hazaribagh

Their workmen.

AND

APPEARANCES:

For the employers.—Shri D. Narsingh, Advocate.

For the workmen.—Shri Shankar Bose, Secretary, Colliery Mazdoor Sangh and Shri H. N. Singh, Vice-President, Koyla Mazdoor Panchayat.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 6th July, 1968.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Dhori Colliery, Post Office Bermo, District Hazaribagh and their workmen, by its order No. 8/70/65-LRII dated 13th October 1965 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

- (1) Whether the closure of B.I. 10, B.I. 10A and Amlo Mines of the Dhori Colliery and the retrenchment of 743 workmen with effect from the 1st July, 1965 by the management of the Dhori Colliery, Post Office, Bermo, District Hazaribagh, are legal and justified?
- (2) If not, to what relief are the workmen entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 166 of 1965 on its file. While it was pending before the Central Government Industrial Tribunal, Dhanbad, the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May, 1967 under Section 33B of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 73 of 1967. Employers as well as the workmen filed their statement of demands.

3. Dhori colliery is within the district limits of Hazaribagh and is at a distance of about 80 kms. from Dhanbad. It consists of three inclines, B.I.10, B.I.10A and Amlo and several open quarries. Complaining assault on a sirdar by chaprasis of the management the workmen went on strike from 1st April, 1965. While referring the question of justification or otherwise of the strike, the Central Government issued a notification on 18th May, 1965 prohibiting the continuance of the strike. Consequently, the workmen called off the strike and resumed duties. On the night intervening 27th and 28th of May, 1965 there was an explosion of high magnitude in the three inclines of the colliery resulting in a considerable loss of life. Immediately the Department of Mines (redesignated as Directorate General of Mines' Safety) took possession of the inclines temporarily for the purpose of investigation into the causes of the disaster and handed back the possession of the inclines to the owners on 9th July, 1965. By the notice dated 1st July, 1965 the management of the colliery announced that they were compelled to close down their undertaking in respect of the three inclines of the colliery on account of unavoidable circumstances beyond their control with immediate effect and directed the workmen to receive one month's wages in lieu of notice and compensation, if they are entitled to any under Section 25FFF of the Industrial Disputes Act, 1947. These facts are not in dispute. The cause of the workmen is exposed by the Colliery Mazdoor Sangh, P.O. Bermo, District Hazaribagh and Koyla Mazdoor Panchayat, P.O. Dhori, District Hazaribagh. On behalf of the Sangh and Panchayat separate statements of demands are filed. The case of the workmen as set up in the statements of demands is that the closure notice dated 1st July, 1965 issued by the employers was without jurisdiction, that the closure of the inclines of the colliery and consequent retrenchment of 743 workmen were illegal and unjustified. It is also pleaded that after the explosion the surviving workmen were provided with alternative jobs in several of the quarries of the colliery where they worked satisfactorily till the date on which the notice dated 1st July, 1965 was served on them. It is also stated that the management did not pay the compensation to the workmen as promised by them through the notice dated 1st July, 1965. The employers filed a statement of demands pleading *inter-alia* that the undertakings in question had to be closed down on account of unavoidable circumstances beyond the control of the management and that the closure was legal and justified. They

have also taken several legal objections against the sustainability of the reference. The workmen were represented by Colliery Mazdoor Sangh through its Secretary Shri Shankar Bose and through Koyla Mazdoor Panchayat through its Vice-President, Shri H. N. Singh and the employers by Shri D. Narsingh, Advocate. By consent of the employers, Exts. W1 to W3 were marked for the workmen and by consent of the workmen, Exts. M1 and M2 for the employers. On behalf of the employers a witness was examined. No witness was examined for the workmen.

4. The first objection raised on behalf of the employers is that the dispute involved in the reference not having been raised with the employers cannot be construed as an industrial dispute. It is true that in Sindhu Resettlement Corporation Limited and Industrial Tribunal of Gujarat and others (16 F.L.R. 307) the Supreme Court has held that where no dispute at all was raised by the workmen with the management, any request sent by the workmen to the Government would only be a demand by them and not an industrial dispute between them and their management. But, in the instant case the failure report of the Conciliation Officer dated 29th July, 1965 clearly shows that the management of the employers appeared before him and did not accept the demands made on behalf of the workmen. When the demands of the workmen were not accepted, but denied by the management, it is nothing but a dispute. Whether the workmen made their demands through the Conciliation Officer or directly on the employers, I do not consider that it makes any difference. The dispute between the workmen and the employers was in existence when the Government issued the notification on 13th October, 1965 referring the dispute for adjudication. Thus, I do not see any force in the objection.

5. As it is pointed out above, the workmen had gone on strike from 1st April, 1965 and the Central Government had referred the question of justification of the strike for adjudication. The notification referring the dispute for adjudication was No. 8/56/65/LRII dated 18th May, 1965. The reference was numbered as reference No 82 on the file of the Central Government Industrial Tribunal, Dhanbad and on transfer to this Tribunal as reference No. 40 of 1967. Pending the reference the workmen had submitted a complaint under Section 33A of the Industrial Disputes Act, 1947 with a prayer to declare the action of the employers in issuing the notice dated 1st July, 1965, Ext. W1 terminating services of the workmen as illegal and without jurisdiction. This complaint was submitted before the Central Government Industrial Tribunal, Dhanbad on 7th July (1965 wherein reference No. 82 of 1965 was pending. It was registered as complaint No. 14 of 1965 on the file of the Central Government Industrial Tribunal, Dhanbad and it was transferred to this Tribunal by order No. 3/25/67-LRII dated 31st May, 1967 and it was registered on the file of this Tribunal as complaint No. 1 of 1967. The notification regarding the present reference is dated 18th October, 1965. Obviously, the present reference was made while complaint No. 1 of 1967 under Section 33A of the Industrial Disputes Act, 1947 was pending adjudication. In the present reference the matter for adjudication is justification of the closure of the three inclines and the retrenchment of the workmen with effect from 1st July, 1965. The objection of the employers is that a complaint under Section 33A is as good as a reference and pending reference the Central Government was not competent to make another reference in respect of the same subject matter. It is true that in complaint No. 1 of 1967 the subject matter was the legality and justification on the part of the employers in issuing the notice dated 1st July, 1965. Ext. W1 and the same is also a subject for adjudication in the present reference. But in the present reference one more matter for adjudication is also included and that is the justification or otherwise of the closure of the three inclines. On these facts it cannot be argued that the present reference interferes with the exercise of the jurisdiction of this Tribunal in dealing with the complaint No. 1 of 1967. I feel that the appropriate Government has very wide powers in respect of making an order referring the dispute between the management and the workmen to the Industrial Court or Tribunal and under Sub-section (5) of Section 10 of the Industrial Disputes Act, 1947 the appropriate Government is competent to add certain parties to the reference on fulfilment of the conditions mentioned in the sub-section. The subject matter involved in the complaint No. 1 of 1967 is not interfered with or altered to any extent and through the present reference one more matter is referred for adjudication. Further, complaint No. 1 of 1967 was withdrawn and no adjudication was made, and the award was passed accordingly. Hence, I do not find much force in the objection.

6. The third objection of the employers is that any dispute arising out of the closure of an industry or the closure of the industry itself cannot be made a subject of an industrial dispute and referred for adjudication. This argument is based upon the decision of the Supreme Court in *Pipraich Sugar Mills, Ltd., Vs. Pipraich Sugar Mills' Mazdoor Union* (1957-1-L.L.J. 235). This was the position under law prior to the introduction of Section 25FFF in the Industrial Disputes Act, 1947 and after the amendment of the Act the Section conferred certain benefits on workers even in cases where an undertaking is closed down. Consequently, I do not find any substance in this objection also.

7. On the question of fact that the three inclines of the colliery were closed down and they still continue to remain closed is not in dispute. Once the Tribunal finds that the employers have closed their undertakings as a matter of fact, it is not concerned to go into the question as to the motive which guided the employers in doing so. Consequently, the question of justification or otherwise of the closure of the inclines does not call for adjudication. This view is supported by the very wording of the section, which says "where an undertaking is closed down for any reason whatsoever, every workman.....". It follows from the section that where an industrial undertaking is closed down the workmen cannot challenge the legality or justification of the closure. The only remedy left for them is to claim compensation as laid down in the section. Of course, if the employers succeed in establishing that the closure of the undertaking was on account of unavoidable circumstances beyond their control, the burden of compensation to be paid by them is lessened. The reference also calls for adjudication whether the retrenchment of the workmen as a consequence of the closure of the inclines was justified. Strictly speaking discharge or termination of the workmen as a result of the closure of an undertaking cannot be termed "retrenchment" as defined in Section 2(OO) of the Industrial Disputes Act, 1947. As pointed out in *Pipraich Sugar Mills, Ltd., Vs. Pipraich Sugar Mills Mazdoor Union* (1957-1-L.L.J. 235), retrenchment connotes in its ordinary acceptation that the business itself is being continued but a portion of the staff or the labour force is discharged as surplusage and the termination of services of all the workmen as a result of closure of the business could not therefore be properly described as retrenchment. What the section says is that in the case of the closure of an undertaking the workmen are entitled to notice and compensation in accordance with the provisions of Section 25F, as if they had been retrenched. It is contended on behalf of the workmen that the employers had quarries were also working simultaneously with the inclines. It means that in three inclines in the quarries instead of discharging them. But the plea of the employers is that the quarries are under a different management altogether. It is not the case of the workmen that the quarry work was started only after the three inclines were closed. On the other hand their statement shows that the quarries were also working simultaneously with the inclines. It means that in the quarries required number of workmen were already employed and as such it is not comprehensible how these vast number of workmen of the inclines could also be employed in the quarries. This apart, there is no evidence that the quarries also worked under the same management as the inclines and that the employers could accommodate the workmen of the inclines by employing them in the quarry work.

8. The plea of the workmen that as a matter of fact they were employed in the quarries after the closure of the inclines, was flatly denied by the employers. The workmen did not lead any evidence to substantiate the fact pleaded by them.

9. The employers had pleaded that the closure of the three inclines was on account of unavoidable circumstances beyond their control. To substantiate their plea they have relied upon the letter, Ext. M1 from the Chief Inspector of Mines and the extract from the circular number LCP-1434(9) dated 29th June, 1965 issued by the Chief Mining Adviser, Railway Board. Ext. M1 shows that the three inclines, which were treated as non-gassy before would be treated as gassy mine and that all the statutory provisions stipulated under the Coal Mines Regulation, 1957 and the Indian Electricity Rules, 1956 pertaining to gassy mines should be strictly complied with. Under the above provisions the employers had to take special precautions incurring more expenditure if they chose to run the mines as a gassy one. They could not be compelled either by the Chief Inspector of Mines or the workmen to run the mine incurring the heavy expenditure. Ex. M2 shows that with effect from 9th June, 1965 the seam of the colliery had been down graded

from "HH" to grade "IIB" by the Coal Board. It is manifest that the coal obtained from the mine with effect from 9th June, 1965 could not fetch the same high price as it did previously. Under the circumstances I find that the closure of the three inclines was on account of unavoidable circumstances beyond the control of the employers.

10. It is also contended on behalf of the workmen that they have not received the compensation due to them under Section 25FFF of the Industrial Disputes Act, 1947 and offered through Ext. W1. In this regard as well as the right of each workmen to receive compensation in terms of Section 25FFF of the Industrial Disputes Act, 1947, enquiry can be made by the concerned Labour Court.

11. As a result of my above discussions I find that consequent on the closure of the B.I.10, B.I. 10 A and Amlo inclines of Dhori Colliery, Post Office Barmo, district Hazaribagh the 743 workmen of the inclines are entitled to retrenchment compensation in terms of Section 25FFF of Industrial Disputes Act, 1947 and that the closure of the inclines was on account of unavoidable circumstances beyond the control of the employers. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,

Presiding Officer,

Central Government Industrial Tribunal

(No. 2) at Dhanbad.

[No. 8/70/65-LR.II.]

S.O. 2670.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the Ena Colliery (North West Coal Company), Post Office Dhansar (Dhanbad) and their workmen, which was received by the Central Government on the 11th July, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer

REFERENCE No. 98 of 1967

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Ena Colliery (North West Coal Company)
Post office Dhansar (Dhanbad).

AND

Their workmen.

APPEARANCES:

For the employers.—Shri S. S. Mukherjee, Executive Committee Member, Indian Colliery Owners Association.

For the workmen.—Shri Prasanta Burman, Vice-President, Mines Mazdoor Union.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 3rd July 1968

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Ena Colliery (North West Coal Company), Post Office Dhansar (Dhanbad) and their workmen, by its order No. 2/139/65-LR.II dated 6th January, 1966 (referred to the Central Government Industrial Tribunal,

Dhanbad, under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the dismissal of Shri Chotoo Mia, underground Trammer by the management of the Ena Colliery of Messrs North West Coal Company Limited, Post office Dhansar, District Dhanbad with effect from the 11th May, 1965 was legal and justified? If not, to what relief is the workmen entitled?"

Whether the reversion of Shri Sahadat Mia, Trammer Sirdar to the post of Trammer by the management of the Ena Colliery of North West Coal Company Limited, Post office Dhansar, District Dhanbad with effect from the 7th January, 1965 was proper and justified? If not, to what relief is he entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 8 of 1966 on its file. Employers as well as the workmen filed their statements of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad, the proceeding was transferred to this Tribunal by the Central Government, by its order No. 8/25/67-LRII, dated 8th May, 1967 under Section 33B of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 98 of 1967.

3. The workmen were represented by Shri Prasanta Burman, Vice President, Mines Mazdoor Union, P.O. Sajua, District Dhanbad and the employers by Shri S. S. Mukherjee, an Executive Committee Member of the Indian Colliery Owners' Association. The reference deals with two workmen, part I of the schedule with the dismissal of Shri Chotoo Mia, underground trammer and part II with the reversion of Shri Sahadat Mia, Trammer Sirdar. Shri Prasanta Burman has submitted an application on 28th May, 1968 giving up the case of the second concerned workman, Shri Sahadat Mia. It means that there is no more dispute subsisting between the employers and the second workman, Shri Sahadat Mia. Thus, the only case remaining for consideration is that of Shri Chotoo Mia, underground Trammer (hereinafter referred to as the concerned workman). It is admitted by the parties that the concerned workman was working as underground trammer since more than 20 years under the employers and that during the dispute period he was working as an underground trammer at No. 5 pit of the colliery. By an order dated 8th February, 1965 the employers directed the concerned workman to take up duties at No 6 Pit as a surface trammer with immediate effect. But the concerned workman did not comply with the order and made to representations, one dated 11th February, 1965 and the other dated 13th February, 1965, explaining his objections to comply with the order and join duty as a surface trammer. On 16th February, 1965 the Manager wrote to the concerned workman that the contents of the two representations made by him were not reasonable by any means. On 24th February, 1965 the concerned workman addressed one more letter to the Manager stating that since 20 years he was habituated to work only underground and that his transfer as a surface trammer was not absolutely essential, inasmuch as a quite junior person had been transferred in his place from surface to underground. He had specifically pleaded that by the transfer as a surface trammer his earnings were adversely affected and that the management had not given him any assurance that his earnings were guaranteed even if he worked as a surface trammer. The reasons advanced by the concerned workman did not find favour with the management and the management issued a charge-sheet to him dated 3rd April, 1965 for disobedience of the order dated 8th February, 1965 and for absence from 10th February, 1965. In his explanation to the charge the concerned workman referred the management to his representation dated 24th February 1965 and requested to read the reasons therein as his explanation to the charge-sheet. A departmental enquiry was held in presence of the concerned workman and the Enquiry Officer found him guilty of the charge and submitted his report. As a result the concerned workman was dismissed from service by the letter dated 11th May 1965, with immediate effect. According to the workmen the action taken by the employers was nothing but victimisation of the concerned workman for his trade union activities. That the transfer of the concerned workman as a surface trammer was with the mala fide intention of punishing him through the loss of earnings, that the enquiry held against the concerned workmen was

perfunctory and that the Enquiry Officer did not pay any heed to the reasonableness of the order about disobedience of which the concerned workman was charged. The employers took up the stand that disobedience of their order dated 8th February, 1965 by the concerned workman was a deliberate one and that the departmental enquiry conducted and consequent dismissal order passed against him were legal and just. They also took the objection that the dispute involved in the reference was an individual dispute and not an industrial dispute. Exts. W1 to W3 were marked for the workmen on admission by the employers and Ext. W4 on proof. By consent of the workmen, Exts. M1 to M7 and on proof Exts. M8 to M25 were marked for the employers. On behalf of the workmen two witnesses were examined and two witnesses were examined on behalf of the employers also.

4. Shri S. S. Mukherjee, the learned representative of the employers stated that he did not press the objection raised by the employers that the dispute involved in the reference was not an industrial dispute. Thus, it is only to be seen how far the dismissal of the concerned workman as a consequence of the departmental enquiry was justified. As I have already pointed out, the concerned workman has been contending throughout that his transfer as a surface trammer to pit No. 6 from pit No. 5 where he was working as an underground trammer, affected his earnings to his detriment. He has taken the specific plea in Ext. W2. Ext. W2 was referred to by him in his explanation to the charge-sheet, Ext. M4. In the report of the Enquiry Officer there is not even a whisper about the objections raised by the concerned workman or their being unreasonable MW1, the Labour Officer of the Colliery at relevant time has conceded in clear terms that underground trammers were getting an allowance for working underground. This admission on the part of the witness of the employers clearly supports the contention that by the transfer of the concerned workman as a surface trammer, he was deprived of the underground allowance and thus the transferred affected his earnings adversely. Clause 17 of the Model Standing Orders deals with the transfer of workmen. It states that all workmen are liable to be transferred in the exigencies of work provided that by reason of such transfer the wages and other conditions of service of the workmen are not altered to their disadvantage. Section 9-A of the Industrial Disputes Act, 1947 prohibits any change in the condition of service applicable to any workman in respect of any matter specified in the Fourth Schedule without giving a notice and within 21 days of giving such notice. Item 3 of the Fourth Schedule mentions "compensatory and other allowances". It is not shown how the underground allowance can be taken out of "other allowances" finding place as item 3 in the Fourth Schedule relating to Section 9-A of the Industrial Disputes Act, 1947. I also do not see any reason why the concerned workman, who was benefiting himself with the underground allowance for the last 20 years should be deprived of it without assigning any reason. Thus, the order dated 8th February, 1965 issued by the employers transferring the concerned workman as a surface trammer was not reasonable and disobedience of an order not reasonable cannot be construed as a misconduct. In the charge-sheet, Ext. M4 no reference of any of the Standing Orders or provision of law is made. Even the word "misconduct" is not stated in the charge-sheet. It was only stated that he disobeyed the order dated 8th February, 1965 and absented without any authorised leave from 10th February, 1965. When he did not comply with the unreasonable order and could not work in pit No. 5 as an underground trammer, his absence from 10th February, 1965 was inevitable for which he could not be held responsible. Shri Mukherjee has referred me to the admission of the concerned workman, WW2 and argued that some more underground trammers had accepted the transfer as surface trammers without any objection. That may be so, but the concerned workman who has objection cannot be compelled to accept it. For these reasons I cannot find any justification for the action taken by the employers in dismissing the concerned workman.

5. I, therefore, find the dismissal of the concerned workman, Shri Chotoo, Mia, underground trammer by the management of the Ena Colliery of M/s. North West Coal Company Ltd., P. S. Dhansar, District Dhanbad with effect from the 11th May, 1965 was not legal or justified and, consequently, the concerned workman, Shri Chotoo Mia is entitled to his wages and other emoluments with effect from 11th May, 1965 till the date of his reinstatement as an underground trammer as though his service as an underground trammer was continuous. The second part of the reference relating to Shri Sahadat Mia requires no finding as his

dispute with the employers no more subsists. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal (No. 2), Dhanbad.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

REFERENCE NO. 98 OF 1967

Employers in relation to the Ena Colliery (North West Coal Company) Post Office Dhanbar
(Dhanbad)

And

Their Workmen

List of Documents admitted in evidence for Employers

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Ex.M1	Office copy of transfer letter to Chotoo Mia dt 8-2-65	29-4-68	By consent		
Ex.M2	Office copy of letter dt. 16-2-65 by the Manager	Do.	Do.		
Ex.M3	Original letter by Shri Chotoo Mia to the Manager dt. 24-2-65	Do.	Do.		
Ex.M4	Chargesheet dt. 3-4-65 with reply by Shri Chotoo Mia	Do.	Do.		
Ex.M5	Office copy of the letter of dismissal dt. 11-5-65	Do.	Do.		
Ex.M6	Office copy of the Show cause dt. 12-10-64 issued to Shri Sahadat Mia	Do.	Do.		
Ex.M7	Office copy of letter dt. 7-1-65 terminating Sardarship	Do.	Do.		
Ex.M8	Letter dt. 11-2-65 of Sri Chotoo Mia to Labour officer	25-5-68	On proof	WW 2	
Ex.M9	Letter dt. 13-2-65 of Shri Chotoo Mia to Labour Officer	Do.	Do.	Do.	
Ex.M10	Letter dt. 22-4-65 from the Manager to Sri Chotoo Mia	Do.	Do.	MW 1	
Ex.M11	Letter from the Manager dt. 6-11-64 to Sri Sahadat Mia	Do.	Do.	Do.	

1	2	3	4	5	6
Ex.M12	Letter dt. 26-11-64 from the Manager to Sri S. Mia	25-5-68	On proof	MW 1	
Ex.M13	Letter dt. 31-12-64 from the Manager to Sri S. Mia	Do.	Do.	Do.	
Ex.M14	Letter dt. 19-6-65 from the Manager to Sri S. Mia	Do.	Do.	Do.	
Ex.M15	Letter dt. 3-9-64 from the Manager to Sri S. Mia	Do.	Do.	Do.	
Ex.M16	Letter dt. 5/10/64 from the Manager to Sri S. Mia	Do.	Do.	Do.	
Ex.M17	Letter dt. 27-8-64 from the Manager to Sri S. Mia	Do.	Do.	Do.	
Ex.M18	Original explanation dt. 29-6-64 by Sri S. Mia	Do.	Do.	Do.	
Ex.M19	Explanation of Sri S. Mia dt. 10-10-64	Do.	Do.	Do.	
Ex.M20	Departmental enquiry proceedings dt. 28-4-65	Do.	Do.	Do.	
Ex.M21	Report of the enquiry officer dt. 3-5-65	Do.	Do.	Do.	
Ex.M22	Departmental enquiry Proceedings dt. 8-9-64	Do.	Do.	Do.	
Ex.M23	Departmental enquiry dt. 5-1-65	Do.	Do.	Do.	
Ex.M24	Report of the enquiry officer dt. 28-9-64	Do.	Do.	Do.	
Ex.M25	Report of the enquiry Officer dt. 5-1-65	Do.	Do.	Do.	

List of Documents admitted in evidence for Workmen

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Ex.W1	A/D receipt from manager of the colliery dt. 27-2-65	29-4-68	By consent		
Ex.W2	Copy of letter dt. 24-2-63 from Chotoo Mia to the Manager	Do.	Do.		
Ex.W3	Copy of letter dt. 24-2-65 from Sahadat Mia to Manager	Do.	Do.		
Ex.W4	Extract from membership Registers	28-5-68	On proof	WW 1	

(Sd.) N. VENKATA RAO,
Presiding Officer
Central Govt. Industrial Tribunal No. 2,
Dhanbad

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2),
DHANBAD

REFERENCE NO. 98 OF 1967

Employers in relation to the Ena Colliery (North West Coal company) Post office Dhansar
(Dhanbad)

And

Their workmen

List of witness examined for the Employers

No. of witness	Name of witness	Date of examination
MW 1 . . .	Shri Rathindra Nath Ganguly	28-5-1968
MW 2 . . .	Shri B. K. Sinha	28-5-1968

List of witness examined for the workmen

No. of witness	Name of witness	Date of examination
WW 1 . . .	Shri Prasanta Burman	28-5-1968
WW 2 . . .	Shri Chhotu Mia	28-5-1968

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal No. 2,
Dhanbad.

[No. 2/139/65-LRII.]

S.O. 2671.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 11th July, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR.

Dated June 27, 1968

PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

CASE REF. NO. CGIT/LC(R) (62) OF 1967 (JABALPUR)
CASE REF. NO. 127 OF 1964 (DHANBAD)

PARTIES:

Employers in relation to M/s. Tata Iron and Steel Company Ltd., Jamadoba,
Post Office, Jealgora, District Dhanbad (Bihar).

Vs.

Their workmen, represented through the Secretary, Tafa Collieries Workers
Union, Digwadhi, Post Office Jealgora, District Dhanbad.

APPEARANCES.

For employers.—S/Sri S. S. Mukherji, Advocate and L. H. Parwatiar, Legal Assistant of the Company.

For workmen.—S/Sri D. L. Sengupta, M.P. Advocate, Piatish Chandra, President of the Union,

INDUSTRY: Iron and Steel.

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/82/64-LRII dated 7th November, 1964, the following matter of dispute as stated in the schedule to the order of reference was referred to Central Government Industrial Tribunal, Dhanbad, from where the case was transferred to this Tribunal by Notification No. 8/25/67-LRII dated 25th April, 1967.

Matter of Dispute

- (1) Whether the following clerks of Central Bonus and Provident Fund Section of Tata Iron and Steel Company Limited, Jamadoba, Post Office, Jealgora (District Dhanbad) are entitled to a higher scale of pay of Rs. 87—7—115—8—131—9—158?

1. Shri Bibhuti Bhushan Singh.
2. Shri Ghulam Mohammad Khan.
3. Shri H. D. Chatterjee.
4. Shri P. C. Charian.
5. Shri R. N. Singh Choudhury.
6. Shri C. R. Roy.
7. Shri J. D. Mahato.
8. Shri T. P. Dutta.
9. Shri Radha Gobindo Banerjee.
10. Shri P. Banerjee.
11. Shri S. Murtaza.
12. Shri H. N. Choudhury.
13. Shri A. K. Sinha.
14. Shri B. K. Dey.
15. Shri B. B. Chakraborty.
16. Shri A. S. Mukherjee.
17. Shri K. R. Deogharia.
18. Shri R. K. Mishra.
19. Shri S. S. Subha Rao.
20. Shri S. Venu Gopal Achari.
21. Shri B. P. Sinha.
22. Shri S. M. Chatterjee.
23. Shri Jadavendra Gupta.
24. Shri B. K. Kundu.
25. Shri D. D. Chanda.
26. Shri S. P. Bhatyacharjee.
27. Shri H. C. Chakraborty.
28. Shri G. P. Lal.
29. Shri J. N. Bose.

- (2) If so, from what date?

2. The Union, Tata Collieries Workers Union, Digwadih, which sponsored the dispute filed a statement of claim before the Dhanbad Tribunal on 25th February, 1965. On behalf of the employers, Tata Iron and Steel Company Ltd., the written statement-cum-rejoinder was filed before the said Tribunal on 28th June, 1965. No rejoinder was filed by the Union either before the said Tribunal or this Tribunal. A number of dates had to be given to enable the employers to file certain statements which were required from them and which were ultimately filed. The documents and statements prepared and filed by the employers are given in the annexure "A". Documents and statements filed on behalf of the Union are mentioned in annexure "B". These annexures were proved by affidavits of two officers on behalf of the employers, namely Sri T. G. A. Shivam, Senior Supdt., sworn before me on 18th August, 1967, 5th September, 1967, 16th February, 1968, 17th February, 1968, and another on 2nd May, 1968, and Sri L. H. Parwatiar, Legal Assistant, on 7th September, 1967. Documents of the Union were proved by the affidavit of Sri B. B. Singh dated 7th September, 1967. The only oral evidence tendered on behalf of the Union was of Sri Bibhuti Bhushan Singh, one of the workmen concerned and on behalf of the employers Sri T. G. A. Shivam as E.W. 1. After the conclusion of evidence arguments in the case were heard at camp Puri on 16th May, 1968.

3. Before taking up the dispute, a preliminary objection raised on behalf of the employers may first be disposed of. It was contended that the appropriate Government had decided and had communicated to the employers and the Union both, not to make the reference by means of a communication dated 17th July, 1964, (Ex. E/20). It was mentioned therein that "Government of India do not consider the dispute fit for reference to an industrial tribunal for adjudication, because the workmen concerned can raise the issue before the Wage Board for the Coal Mining Industry which is seized with the matter." It was urged that having made its decision once and without proof of any change in circumstances, the appropriate Government had no discretion left to make the reference. This objection is without substance. The jurisdiction of the Tribunal stems from reference under Section 10 I.D. Act and it is not concerned what the appropriate Government had or had not done before the reference. The Tribunal is bound to assume jurisdiction after a reference has been made. If the appropriate Government had no jurisdiction and discretion left to make the reference, the remedy for the employers was to have reference quashed by means of a writ petition in the High Court, a course which had not been adopted by the employers. So far as this Tribunal is concerned, it is bound to assume jurisdiction when once a reference has been made. The objection is, therefore, overruled.

4. Dealing with the merits of the dispute, it is necessary to narrate some history and the back ground by reason of which this controversy came up to the forefront. The Tata Iron and Steel Company Ltd., to be hereinafter called the Company, owns and manages seven Collieries in the district of Dhanbad. The Company was party to the All India Industrial Tribunal (Colliery Disputes) Award commonly known as Majumdar Award as modified by the L.A.T. Till 1959 the Provident Fund Account of workers was maintained at the Collieries and the Bonus Account as also leave with wages account was being maintained at a Central Office. The working was re-organised and Provident Fund Account of workers was also transferred to the Central Office. Thus all work connected with Provident Fund, Bonus, Leave with wages, Railway fare for workers is now being dealt with at the Central Office since centralisation. The total complement of clerks according to the Union both at the Collieries and Central Office dealing with this work before centralisation was 56, whereas according to the Company there were 22 clerks in the Central Office and 20 in the colliery offices. After centralisation, 10 clerks from collieries were transferred to the Central Office and thus the entire work connected with the Provident Fund, Bonus, Leave with wages, Train fare, was being managed and handled by these clerks. The Majumdar Award categorized the Provident Fund Clerks and Bonus Clerks in Grade II as mentioned in Appendix XVI pp. 112 and 113, Vol. II. For Gr. II Clerks, the recommended grade was stated as Rs. 45-3-54-4-90 (vide paragraph 774 p. 204 Vol. I). Grade for lower category of Clerks was prescribed at Rs. 36-3-75 (vide Para 773) and for the higher category of Clerks (by misprint, it is stated Grade III) the scale was prescribed as Rs. 60-4-80-5-115 (vide paragraph 775). The Company, however, prescribed a higher grade for Clerks, viz. for Grade I, Rs. 87-7-115-8-131-9-158, a grade which is being claimed for the concerned workmen; Grade II Rs. 60-5-100; Grade III-Rs. 45-3-78-4-82. This grade was being given with effect from 26th May, 1956 and is current even now. In the Majumdar Award no job description was given for various categories of clerks. Broadly speaking, for Grade II Clerks, it was observed in paragraph 774 that the work done by them can be equated with some of the lower division clerks in the State and other Government offices. For Grade I Clerks, it was observed that they do superior type of work and may be said to correspond to the Upper Division Clerks. Out of the 32 Clerks in the Central Office, two of them S/Sri J. C. Mitra and S. C. Choudhury (now dead) were given Grade I. Among the remaining 29 who are covered by this reference, two were given Grade III, namely Sri R. K. Mishra (Sl. 18) and Sri B. P. Sinha (Sl. 21). The rest are all in Grade II. It may be mentioned that after the Majumdar Award saw the light of the day, the Bonus clerks of the Central Office submitted a report on 3rd July, 1956 (Ex.W/1) complaining that their nature of work is of higher responsibility both qualitatively and quantitatively and they should not be equated with the grade of Bonus Clerks as mentioned in Appendix XVI of the Majumdar Award. The management informed them that the matter was receiving their attention (Ex. W/2). The clerks again repeated the representation on 8th August 1956 (Ex.W/3). The management, however, turned down their representation by order dated 10th August, 1956 (Ex.W/4). After the reorganisation and centralisation of the work of all the collieries with regard to not only Bonus but Provident Fund, Leave with wages, Railway fare, all the clerks in the Central Office who were placed in Grade II again made a representation on 2nd January, 1962 (Ex.W/5) and another dated 15th January, 1962 (Ex.W/7) but this was again turned down by an order dated

18th January 1962 (Ex.W/6). The dispute since then was kept alive and was taken up by the Union which ultimately resulted in this reference. There can be no denying the fact that these clerks of the Central Office who have been placed in Grade II cannot with any degree of fairness be equated with the Provident Fund Clerks or Bonus Clerks mentioned in Appendix XVI, Vol. II of the Majumdar Award. As observed in paragraph 774 they were equated with the Lower Division Clerks of Government offices. A Bonus Clerk or a Provident Fund Clerk has to perform one type of work of a routine nature and has not to be conversant with all the different types of clerical work in relation to Provident Fund, Quarterly Bonus, Leave with pay and Railway fare. What these Clerks have to do was mentioned by the Union in annexure 'A' to the written statement and is Ex.W/34. It may be mentioned that after the amendment of Bonus and Provident Fund Act, Bonus and Provident Cards were introduced replacing the Bonus Registers and the Provident Fund Cards, as stated by Shri Shivam in paragraph 7 of his affidavit dated 18th August 1967. It was admitted in cross-examination that these clerks have not only to fill up Bonus Pay Sheets and Cards but they have also to fill up various forms which were filed by the Company. Bonus Pay Sheets and Cards which have been in vogue have been filed by the Company as annexure "B" Series (Ex.E/2 Series). There has been various changes in these forms requiring greater work and skill Ex.E/2F is a sample of Bonus Register Form which a clerk had to deal with before the centralisation in the Central Office as admitted by Shri Shivam in cross-examination. He admitted that the column of "Provident Fund Deductions" was not filled in Central Office and used to be done at the Colliery Office.

After centralisation, the form introduced was a Form "D" and columns both for Bonus and Provident Fund were required to be filled in by the Central Office Clerks. Not only this but the summaries of contribution had also to be recorded for each quarter. As admitted by Sri Shivam, in the blank portion of Ex.E-2/A the clerks in their own hand had to record (1) attendance during the year (2) leave (3) sick (4) forced leave (5) total attendance for leave with pay and (6) number of leave earned during the year. Although Sri Shivam stated that before centralisation these data were mentioned by clerks in Bonus Registers yet such registers were not filed and were stated to have been weeded out. A new type of Form X was introduced for the Bonus Register Ex.E-2/E. There has been frequent changes in the forms and even after centralisation. As admitted by Sri Shivam in his affidavit dated 18th August 1967 when new form of Bonus Register was introduced by Government in 1962 the management introduced two more columns regarding Provident Fund contribution and the work was distributed to 20 out of 32 clerks in the Central Office. In 1963 the management got permission for keeping Bonus records centrally. Before that, the Government insisted that the Bonus records be maintained at collieries and therefore extra copies of the postings were being made and sent to different collieries. Posting of Provident Fund figures in Bonus Register was also discontinued and instead, postings were made in Provident Fund Cards by the same clerk and this system is continuing. The Annexure "C" (Ex.E/3 Series) are various forms which have been in vogue in the Company for leave with pay and railway fare both, and eligibility list for leave with pay vouchers in use from time to time. Annexure "D" (Ex.E/4 Series) are various forms and returns which clerks have to deal with and have been changed from time to time. These are numerous types of forms. They are not such which can be dealt with mechanically but require particular skill and concentration. The Union in annexure 'A' to the written statement (Ex. W/34) gave the various duties which the clerks in the Central Office have to render. This was stated and affirmed by Sri B. B. Singh one of the concerned workmen and was specifically challenged on behalf of the Company. In annexure "B"—Ex.W/35, of the written statement what each of the 29 clerks covered by the reference has to do was enumerated and was proved on affidavit. The Company by statement annexure "F"—Ex.E/6 tried to controvert this. A perusal of these would show that out of the various jobs performed by each, as stated in Ex.W/36, only one or two for each was challenged and mostly that the clerks concerned were not operating the adding machines and were not attending to representations of Provident Fund claims from the Union. Assuming, however, that most of them have not been attending to adding and lessing machines, the fact remained that a clerk has not to perform the simple work of posting Bonus or Provident Fund in the respective forms or registers but has to do the multifarious jobs connected with Bonus, Provident Fund, Leave with pay and Railway fare, besides having had to do drafting of letters for Government authorities a fact which Sri Shivam had to admit in his evidence and is borne out by the various letters (Ex.W/17 to Ex.W/24). Sri Shivam, Senior Superintendent of the office, insisted in having the Progress Register of work done by each and as such a Progress Register was maintained, as is proved by Ex.W/8 and W/9 which were orders issued by Sri Shivam himself.

Exts.W/10 to W/14 will show the allotment of work for the concerned clerks and would reveal that every one of them had to deal principally with four main items of work, namely statutory Bonus, Leave with pay, Railway fare and Provident Fund. With the delinking of Provident Fund claim from Bonus Scheme and making it obligatory on the part of the employers to maintain Bonus Register in Form X as also to submit monthly return for annual Provident Fund membership and to implement satisfactorily the provisions of these recent amendments, Sri Shiyam invited suggestions from all members of the staff and issued a Circular letter (Ex.W/15) so as to simplify the working. He admitted that this became necessary as the work was in arrears due to amalgamation of work in the Central Office. He, however, tried to explain that this was due to slackness on the part of the clerks but this cannot be accepted since the fact was not mentioned in the circular and none was charge-sheeted. He used to pull up clerks when the progress of work was not upto date on the part of a clerk as would appear from a warning to one Sri P. C. Charian (Ex.W/27) and another office order dated 15th June 1961 when as many as 22 clerks were warned for failing to place letters in proper files and taking necessary action on them. This shows that the clerks had to deal with various types of correspondence also. It is interesting to note that Centralisation Scheme was introduced as a result of Choudhury—George Committee Report. (Ex.E/70B). From January, 1962, the Chief Mining Engineer by an order dated 28th July 1962 constituted a Committee to go into the matters concerning maintenance of records, staff requirement etc. and also to study the possibilities of the Central Bonus and Provident Fund Section shouldering additional responsibilities. Sri Shiyam was a member of the Committee himself. It is pertinent to quote observations at page 4 under the heading "Staff Disposition":—

"For the P.F. Work which was being done at the Colliery Offices the Kaimal Committee had fixed a strength of 20 clerks for all the Collieries together, although the total No. of clerks engaged for this work at the Collieries was more than twenty. The Committee had also suggested that when the P.F. Work would be centralised at the Bonus Section all these twenty clerks would be transferred to the Bonus Section. But only ten were transferred in the hope that with the merger of Bonus posting work and P.F. posting work by introducing the Bonus-cum-P.F. Cards as suggested by the George—Choudhury Committee the work could be managed by the then existing Bonus Section Staff and this additional ten P.F. Clerks transferred from the Collieries. It may be mentioned here that George—Choudhury Committee in their report while accepting in general the recommendations of the Kaimal Committee in regard to the clerical re-organisation had specifically pointed out that the No. of clerks required for the P.F. Work in the combined "Bonus and Provident Fund Section" could be arrived at only at a later stage. From experience it has been found that while the introduction of Bonus-cum-P.F. Cards could effect certain savings only in the posting work, other items of work in connection with Provident Fund which are of multifarious and odd nature could not be satisfactorily attended to and maintained up-to-date with the above-mentioned staff of the combined "Bonus and P.F. Section". Now the delinking of the two Schemes, Bonus and Provident Fund, has necessitated maintenance of additional and more elaborate records and has thereby increased the clerical work still further. There is also a possibility of further amendments to the P.F. Scheme being enacted sooner or later by which the existing annual returns in Form 'I' may be replaced by a monthly return. It is, therefore, essential to have additional clerks for P.F. work to avoid the work falling in large arrears."

Under heading V "Requirements of staff" an additional requirement of six more clerks was stated. Under heading VII "Organisational Set-up" at paras 14 and 15 the following observation is also interesting:—

"14. In view of the increased responsibilities consequent upon the enactment of the different amendments to the statutory provisions regarding—

- (1) Bonus, (2) Prov. Fund and (3) Leave-pay & Railfare and taking into consideration the total No. of clerks in this office, the organisational set-up of the "Central Bonus & P.F. Section" also needs certain modification to ensure better efficiency by having better co-ordination between the different clerks in their work. The general work, details enumerated on page No. 7 cannot be attended to satisfactorily and efficiently unless the clerk responsible for this is able

to bring about certain co-ordination between the clerks responsible for doing the posting work pertaining to that colliery. It is, therefore, felt the seven clerks who will be entrusted with the "General & Co-ordination Work" for each of the six collieries and for the Central Establishments should be of a higher status than the posting clerks and therefore, to be in Grade I and not in Gr. II as the Posting Clerks. The responsibility of checking the muster sheets and submission of the necessary statistical information, as suggested in Chapter VI should also be entrusted to these seven clerks. Any additional odd jobs that may crop up from time to time in respect of the Collieries/Depts. must also be attended to by these seven clerks who should be treated more or less as intermediary batch-heads.

15. It is also felt that in addition to the requirements of the staff suggested on page No. 8 out of which seven should be in Grade I, there should be a Senior Asstt. in the status not below the rank of 'Head Clerk' to assist the Sr. Supdt.-in-Charge of the section."

While conceding increased responsibilities, the Committee felt the necessity of having seven clerks who could be entrusted with the "General and Co-ordination work" and to have a higher status in Gr. I. A Senior Assistant not below the rank of a Head Clerk to assist the Senior Superintendent Incharge, Sri Shivam himself was recommended and on the pattern of Provident Fund Section at Jamshedpur. Evidently, Sri Shivam who on centralisation admittedly got a lift from the category of Office Superintendent to Senior Office Superintendent, a grade which has been extended to Rs. 700/- was more concerned for satisfactory aspect of the work being rendered by the clerks and to have a Senior Assistant for his help rather than to bear in mind the extra burden and responsibilities with which these clerks had been burdened by the centralisation, both qualitatively and quantitatively with regard to their work. The overtime statements which the employers were required to file and are Ex. E/58 to Ex. E/69 will show the quantum of overtime which the company has had to pay from 1960 to 1966. The volume of work could not be coped with the complement of clerks in the Central Office and various suggestions were made by Sri Shivam himself from time to time. He had been asking for more staff as would appear from his letter dated 24th November, 1964 to the Chief Mining Engineer (Ex. E/17). These clerks have not only to perform mechanical type of work of posting figures in various forms and registers but have to do checking also as would appear from communications addressed by Central Office to Collieries (Ex. W/17, W/18, W/20, W/22, W/23 and W/24). Over and above this, as admitted by Sri Shivam himself the clerks have to do draftings and have to attend to odd bits of job including sometime attendance on government authorities. Two of the clerks in the Central Office, S/Sri J. C. Mitra and S. C. Choudhury had been given Grade I. It was admitted by Sri Shivam that they were doing the same work as is being done by the clerks covered by the reference. He, however, added that they were doing supervisory work also which is not borne out by any document. There seems to be little justification for this discrimination. While placing Bonus Clerks and Provident Fund Clerks in Gr. II, the grades and nomenclatures having been arrived at on an agreed list tendered on behalf of the Colliery Owners and the Union before the Majumdar Tribunal, the duties expected of these clerks were all of routine nature and not the complex type of duties which are being rendered by these clerks in the Central Office and which have been getting more and more complicated by various changes in enactments, rules and regulations and introduction of new type of forms and statements which could not possibly have been conceived by the Majumdar Tribunal. As a matter of fact, in paragraph 777 page 205, it was observed "it is difficult to visualize the nature of the work or its volume and provide for all kinds of situations." In paragraph 778 it was recommended that "Where the nature of the work is such that it requires a higher scale than the highest that we have awarded, we have no doubt that the employers would introduce appropriate scales. After all, we are laying down only the minimum scales." It is, therefore, unjust on the part of the Company to allow Grade II to these clerks under reference and Grade III to two of them. They are all entitled to be up-graded in Grade I of the Company.

16. The next question is from when should the grade be awarded. According to the Union, they should be awarded this grade from the date of centralisation, namely 1959. In paragraph 12 of the written statement of the Union it was, however, conceded that the Union raised this dispute on 21st February 1964. In the matter of fixation of grades, it is not considered proper to award a grade from a retrospective date and the date of demand when an industrial dispute is

raised by the Union is normally taken as the date relevant for fixation of wage grade.

Decision :—

It is, therefore, directed that all the 29 clerks mentioned in the schedule are entitled to the higher scale of pay as stated in the schedule to the order of reference and with effect from 21st February 1964. The Union would be entitled to Rs. 100/- as costs of the proceedings.

(Sd.) G. C. AGARWALA,
Presiding Officer.
27-6-68.

ANNEXURE "A"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.

CASE REF. NO. CGIT/LC(R) (62) OF 1967 (JABALPUR)

CASE REFERENCE NO. 127 OF 1964 (DHANBAD)

Employers in relation to Tata Iron & Steel Co. Ltd., Jamadoba.

Versus

Their Workmen.

List of Documents Filed on Behalf of the Employers

Exhibit No.	Description of documents and date	Date of documents filed	Whether admitted by O.P	Whether proved by affidavit
1	2	3	4	5
Ex.E/1	Annexure "A" statement showing the number of Monthly & Weekly paid employees from 59 to 1966.	28-7-67	..	Proved by Sr T.G.A. Shivam by affidavit dated 18-8-67.
Exts. E/2A to E/2F.	Annexure "B" containing the Bonus Cards and Bonus Paysheets (Forms) in use from time to time.	Do.	..	Do.
Exts.E/3 to Ex.E/3F	Annexure "C" contains the leave with pay vouchers and eligibility list—Forms in use from time to time.	Do.	..	Do.
Exts.E/4A to Ex.E.4/X	Annexure "D" contains Provident Fund Cards and other Forms as maintained under Coal Mines Provident Fund Scheme from time to time.	Do.	..	Do.
Ext.E/5	Annexure "E" contains statement showing the (i) number of complaints disposed of regarding bonus, leave with pay (ii) completion of certain statements and forms under C.M.P.F. Schemes.	Do.	..	Do.
Ex.E/5A & E/6	Annexure "F" contains statement showing the work which the workmen concerned are not doing.	Do.	..	Do.

I	2	3	4	5
Ex.E/7	Voucher No. 45 dated 3-4-64 —Wages paid as per Muster Roll to C.B. & P.F. Section for March, 1964.	5-9-67	..	Proved by Sri L.H. Parwatiar by affidavit dated 7-9-67.
Ex.E/7A to E/7E	Pay Roll for Monthly Paid Employees for March, 1964 pertaining to the staff of the Central Bonus & P.F. Section.	Do.	..	Do.
Ex.E/8	Specimen Form of Pay Roll of Daily-Rated Monthly Paid Employees.	Do.	..	Do.
Ex.E/9	Office copy of office order No. CBS/GI-8/853 dated June 15, 1961.	16-2-68	..	Proved on affidavit by Sri T.G.A. Sivam by 16-2-68.
Ex.E/10	Office copy of letter No. CBS/BBS/PF-5F/2888 dated 22-11-63.	Do.	..	Do.
Ex.E/11	Office copy of letter No. CBS/BBS/PF-5F/2889 dated 22-11-63.	Do.	..	Do.
Ex.E/12	Office copy of letter No. CBS/PCC/PF-12F/1838 dated 27-7-64.	Do.	..	Do.
Ex.E/13	Office copy of letter No. CBS/JG/PF-5E/1140 dt. 23-4-65.	Do.	..	Do.
Ex.E/14	Office copy of letter No. CBS/SVG/B-2C/91 dated 11-1-67.	Do.	..	Do.
Ex.E/15	Office copy of office order No. CBS/Ref-13/52 dated 9-1-61.	Do.	..	Do.
Ex.E/16	Office copy of letter No. CBS/REF/13A/1718 dated 27-11-62.	Do.	..	Do.
Ex.E/17	Office copy of letter No. CBS/Ref-17/2864 dated 25-11-64.	Do.	..	Do.
Ex.E/18	Specimen Form of Pay Roll of Piece-Rated Weekly Paid Employees.	17-2-68	..	Proved by Sri B.B. Singh in cross-examination.
Ex.E/19	Specimen Form of Pay Roll of Daily-Rated Monthly Paid Employees.	17-2-68	..	Do.
Ex.E/20	Letter No. 2/62/64-LRII dated 15-7-64 of the Under Secretary, Govt. of India, to the C.M.E. TISCO.	17-2-68	..	Proved by Sri Sivam by affidavit dated 17-2-68.
Ex.E.21 to E.51.	Service Record Cards of 31 employees.	17-2-68	..	Proved by Sri Sivam by affidavit dated 16-2-68.
Ex.E/52 to E.57.	Statements showing number of complaints disposed regarding leave with pay, bonus & compilation of certain statements and forms under C.M.P.F. Schemes.	5-9-67	..	Proved by Sri Sivam by affidavit dated 5-9-67.

1	2	3	4	5
Ex.E/58 to E/69.	Statements showing Over-time payments made to Clerical staff, during the years 1960, 1961, 1962, 1963, 1964, 1965, 1966, & 1967.	5-9-67	..	Proved by Sri Sivam by affidavit dated 5-9-67.
Ex.E/70A	Report of the Committee to go into the matters concerning Bonus & P.F. Estt.	2,5-68	..	Proved by Sri Sivam by affidavit dated 2-5-68.
Ex.E/70B	Extract of the Report of Chaudhuri-George Committee dated 13-12-1957.	Do.	..	Do.

Sd/ G. C. AGRAWALA,
Presiding Officer.

ANNEXURE "B"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.

CASE REF. NO.CGIT/LC(R)(62) OF 1967 (JABALPUR)

CASE REFERENCE NO. 127 OF 1964 (DHANBAD)

Employers in relation to Tata Iron & Steel Co. Ltd., Jamadobu.

Vs.

Their Workmen

List of documents filed on behalf of the workmen.

Exhibit No.	Description of documents and date.	Date of documents filed	Whether admitted by O.P.	Whether proved by affidavit
1	2	3	4	5
Ex. W/1	Application dated 3-7-66 from the staff of Central Bonus Office to the Supdt. of Collieries.	18-8-67	..	Proved on affidavit dated 7-9-67 by Sri Bibhuti Bhusan Singh one of the workmen concerned and Member of Tata Collieries Workers Union.
Ex. W/2	Letter dated 28-7-66 from Supdt. of Collieries, TISCO to Sri H.N. Choudhary & Ors.	Do.	..	Do.
Ex. W/3	Application dated 8-8-56 to the Supdt. of Collieries, TISCO by 19 workmen—Staff of Bonus Office.	Do.	..	Do.
Ex. W/4	Letter No. JMB/9099/58 dated 10-8-66 from the Supdt. of Collieries to Sri G.P. Singh.	Do.	..	Do.

1	2	3	4	5
Ex.W/5	Application dated 2-1-62 from the workmen concerned to the Chief Mining Engineer.	18-8-67	..	Proved on affidavit dated 7-9-67 by Sri Bibhuti Bhusan Singh one of the workmen concerned and Member of Tata Collieries Workers Union.
Ex.W/6	Letter No. JMB/47/300764 dated 13/18-1-62 from the Dy. Chief Mining Engineer to Sri C.P. Singh & Ors.	Do.	..	Do.
Ex.W/7	Application dated 15-1-64 to the Chief Mining Engineer by the Staff of C.B. P.F. Section.	Do.	..	Do.
Ex.W/8	Letter No. GBS/GI-8/912 dated 11th April, 1964 from Sr. Office supdt. to All members of the staff.	Do.	..	Do.
Ex.K/9	Office order No. GBS/GI/8/946 Dt. 23rd April, 1963.	Do.	..	Do.
Ex.W/10	Work allotment chart of Sri T.P. Dutta for Dec. 63 Qr.	Do.	..	
Ex.W/11B	Paysheet of Contractor Labour for Dec. '63 Qr. (Jamadoba Colliery).	Do.	..	Do.
Ex.W/11A	Paysheet of Contractor Labour for Dec. '63 Qr. (Malkera-Chaitudih Colliery).	Do.	..	Do.
Ex.W/11	Work allotment for Dec. '63 Qr. in respect of Sri S.C. Choudhary.	Do.	..	Do.
Ex.W/12	Allotment of leave with pay eligibility list No. GBS/Ref-16/508 dated 17-4-1961.	Do.	..	Do.
Ex.W/13	Allotment of compilation of Bonus Paysheets for Q.E. Dec. 60-CBS/Ref-13/48 dated 6-1-61	Do.	..	Do.
Ex.W/14	Letter No. CBS/9/1630 dated 3-12-60 from Sr. Supdt. to Sri. S.C. Choudhury.	Do.	..	Do.
Ex.W/15	Circular letter No. GBS/GI 8/993 dated 25-7-62 from the Sr. Office Supdt.	Do.	..	Do.
Ex.W/16	Office Order No. GBS/GI-8/853 dated 15-6-1961.	Do.	..	Do.
Ex.W/17	Letter No. GBS/BBS/PF/SF/2888 dated 22-11-63 to the Manager, Malkera Colliery.	Do.	..	Do.
Ex.W/18	Letter No. GBS/BRS/PF/GF/2889 dated 22-11-63 to the Manager, Malkera Colliery.	Do.	..	Do.
Ex.W/19	Letter No. GBS/PGG/PF-12F/1838 dated 27th July, 64 to the C.M.P.F. Commr. Dhanbad.	Do.	..	Do.

1	2	3	4	5
Ex.W/20	Letter No. CBS/JG/PF-5E/1140 dt. 23rd April, 1965 to the Manager, Bhalatan Colliery.	18-8-67	..	Proved on affidavit dated 7-9-67 by Sri B.B. Singh one of the workmen concerned and Member of T. G. Workers Union.
Ex.W/21	Letter No. CBS/PCG/PF-4A/832 dated 26th March, 1965 to the C.M.P.F. Commr. Dhanbad.	Do.	..	Do.
Ex.W/22	Letter No. CBS/BBG/B-1A/2963 dt. 4th Dec. 1964 from Senior Supdt. to the Manager, Coal Washing Plant, Jamadoba.	Do.	..	Do.
Ex.W/23	Letter No. CBS/PCG/5A/2199 dt. 27-8-1966 from Sr. Office Supdt. to the Manager, Malkera Colliery.	18-8-67	..	Do.
EX.W/24	Letter No. CBS/SVG/B-Sc/91 dated 11th January, 1967 from Sr. Office Supdt. to the Manager, 6 & 7 Pits Colliery.	Do.	..	Do.
Ex.W/25	Note dated 22-1-64 from Sri B.B. Singh to Sr. Office Supdt.	Do.	..	Do.
Ex.W/26	Note dated 28-1-66 from Sri B.B. Singh to Sr. Office Supdt.	Do.	..	Do.
Ex.W/27	Letter No. CSS/Ref. 32/150 dated 16-1-63 from Sr. Office Supdt. to Sri P.C. Charian.	Do.	..	Do.
Ex.W/28	Office Order No. CBS/Ref-38/1071 dated 6th August, 62 regarding allotment of work.	Do.	..	Do.
Ex. W/29	Office Order No. CRS/Ref-13/52 dt. 9th January, 1961 regarding temporary adjustment in the allotment of Machine Posting work.	Do.	..	Do.
Ex.W/30	Letter No. CCBS/Ref-13A/1712 dt. 27th Novr. 1962 from Sr. Office Supdt to Sri J. Gupta regarding bonus posting work.	Do.	..	Do.
Ex. W/31	Letter No. CBS/Ref-32/196 dt. 24-1-1964 from Sr. Supdt. (Office) to Sri B.P. Sinha.			Do.
Ex.W/32	List of persons working in connection with P.P. & Bonus work & L.W.P. work at Collieries & Central Office.	Do.	..	Do.
Ex.W/33	Letter No. CBS/Ref. 17/2864 dt. 26th Novr. 1964 from Sr. Office Supdt. C.M.E. to Jamadoba.	Do.	..	Do.

1	2	3	4	5
Ex.W/34	Annexure "A" to the written statement filed by the Union	1965	..	Proved on affidavit dated 7-9-67 by Sri B.B. Singh one of the workmen concern and Member of T. C. Workers Union.
Ex. W/35	Annexure "B"	Do.	Do.	Do.
Ex.W/36	Annexure "C"	Do.	Do.	Do.

(Sd.) G.C. AGARWALA,
Presiding Officer.
[No. 2/62/64-LRIL.]

New Delhi, the 22nd July 1968

S.O. 2672.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaba'pur, in the industrial dispute between the employers in relation to the Sasti Colliery, Post Office Ballarpur, District Chanda and their workmen, which was received by the Central Government on the 12th July, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

Dated June 25, 1968

PRESENT:

Sri G. C. Agarwala, Presiding Officer.

CASE REF. No. CGIT/LC(R) (15) OF 1968

PARTIES:

Employers in relation to the Sasti Colliery, Post Office, Ballarpur, District Chanda (M.P.)

Versus

It's workmen, Sri Tej Bahadur Singh.

APPEARANCES:

For employers—Sri S. V. Kanade, Personnel Officer, Ballarpur Collieries Co.

For workman—Sri D. P. Kawadkar, Authorised Representative.

INDUSTRY: Coal Mine.

DISTR: Chanda (M.P.)

AWARD

The Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal by Notification No. 3/3/68-LRIL dated 19th February 1968, for adjudication:—

Matter of Dispute

Whether the management of Sasti Colliery, Post Office Ballarpur, District Chanda (Madhya Pradesh) is justified in refusing work to Shri Tej Bahadur Singh, Coal-Cutter, from the 3rd November, 1967? If not, to what relief is he entitled?

2. The parties filed their written statements after issue of usual notices followed by rejoinders and on the basis of which certain additional issues were framed on 28th May 1968 but which need not be reproduced as on this date of

hearing the workman concerned and the management have compromised the dispute, terms of which are reproduced in the annexure. The dispute related to the termination of service of a single workman, Sri Tej Bahadur Singh, Coal Cutter. He has accepted an offer of payment of Rs. 500/- in full and final settlement of the claim. The dispute is thus satisfactorily resolved and accepting the compromise, the reference is decided in terms of compromise settlement.

(Sd.) G. C. AGARWALA,

Presiding Officer.

25-6-68

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, JABALPUR

REF. CCIT/LC(15) 1968

Applicant—Shree Tejbahadur Singh S/o Bhagwati Ex-Coal cutter, Sasti Colliery, P.O. Ballaspur.

Non-Applicant—The Ballaspur Collieries Co. Bisesar House, Temple Road, Nagpur.

Compromise Petition

The parties beg to state as under:—

1. Both the parties to this reference have compromised the entire dispute between them on the following terms.

- (a) That the employer the Ballaspur Collieries Co. Bisesar House, Temple Road, Nagpur, has agreed to pay and the worker has agreed to accept an amount of Rs. 500/- (Five hundred) in full and final settlement of his entire claim regarding his automatic termination under standing Orders 18(5) or/and termination of his services.
- (b) That the employer shall pay this amount of Rs. 500/- (Five hundred) within a week of this compromise petition to the worker.
- (c) That in view of the above there has not been left any dispute whatsoever between the parties.
- (d) That both the parties shall bear their respective costs.

2. Both parties, therefore, pray that an award in terms of the above compromise may please be passed.

JABALPUR;

Date: 25th June 1968.

(Sd.) Worker.

(Sd.) Employer.

(Sd.) Manager, Sasti Collieries.

Part of Award

(Sd.) G. C. AGARWALA,

Presiding Officer.

[No. 3/3/68-LRII.]

ORDERS

New Delhi, the 17th July 1968

S.O. 2673.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Sial Ghogri Colliery, Post Office Junnordeo, District Chhindwara (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Sial Ghogri Colliery, Post Office Junnordeo, District Chhindwara (Madhya Pradesh) in not allowing Shri Jangoo, Coal Cutter to resume duty in view of the medical certificate dated the 27th April, 1966, issued by the Medical Officer, Coal Mines Welfare Hospital at Jamai, was justified? If not, to what relief is the workman entitled?

[No. 5/7/68-LRII.]

S.O. 2674.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Birds Sirka Colliery, Post Office Argada, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Birds Sirka Colliery, Post Office Argada, District Hazaribagh of which Messrs Bird and Company are the Managing Agents was justified in dismissing Sri S. K. Chatterjee, attendance clerk with effect from the 23rd June, 1967. If not, to what relief is the workman entitled.

[No. 2/31/68-LRII.]

New Delhi, the 22nd July 1968

S.O. 2675.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ashakuty/Phularitand Colliery owned by Ashakuty Coal Company Limited, Post Office Katrasgarh, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Ashakuty/Phularitand Colliery owned by Ashakuty Coal Company Limited, Post Office Katrasgarh, District Dhanbad in keeping Shri Shiva Shanker Singh, Switchman, under suspension pending enquiry from the 18th February, 1968 to the 16th April, 1968 and in confirming ten days suspension from the 18th February, 1968 to the 27th February, 1968 as a measure of punishment was justified? If not, to what relief is the workman entitled?

[No. 2/95/68-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)*New Delhi, the 16th July 1968*

S.O. 2676.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to Messrs. Shree Krishna Motor Launch Service, Bombay, and their workmen, which was received by the Central Government on the 10th July, 1968

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
BOMBAY**

REFERENCE No. 41 of 1966

Employers in relation to Messrs. Shree Krishna Motor Launch Service.
Bombay.

AND

Their Workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers—Shri G. R. Karve, Advocate with Shri M. K. Karmarkar, the clerk.

For the workmen—No appearance.

STATE: Maharashtra.**INDUSTRY:** Launch Service.*Bombay, 27th June, 1968.***AWARD**

1. By Order No. 28/49/66-LR.IV, dated 18th July, 1966 the Central Government, Ministry of Labour, Employment and Rehabilitation have referred to this Tribunal an industrial dispute existing between the employers in relation to Messrs. Shree Krishna Motor Launch Service and their workmen in respect of matters specified in the following schedule:

SCHEDULE

“Whether the action of Messrs. Shree Krishna Motor Launch Service, Bombay in dismissing Sarvashri—

1. Umar Suleman Sirgavkar
2. G. R. D. D'Souza
3. C. V. Vaidya
4. Ebrahim Dawood Waghe
5. Usman Ahmed Tacalskar and
6. Ali Usman Dange

from service is justified? If not, to what relief are these workmen entitled?”

2. The dispute leading to this reference may be stated in brief as follows:

The employers Messrs. Shree Krishna Motor Launch Service ply their launches between Bombay and other neighbouring small ports. The crew of each launch consists of a sarang, engine driver and three or four khalasis. The company plies the service under a licence granted by Government and they have to follow some rules. They have a schedule and a regular time-table and the launches start at fixed hours. The launches are inspected by concerned authorities. The employers have to attend to passengers and port trust and the employees are required to maintain regularity and punctuality in attending the duty.

3. The employees of the company are the members of the Motor Launch Employees' Association, Bombay. It appears that there were some disputes between the company and the association and some matter was pending before an arbitrator and had given rise to civil litigation also.

4. The employers by their written statement alleged that their launch service is plying to the coastal service of Bombay harbour and a large number of passengers have to depend on the service to come to Bombay and to go back to their places and by the non-attendance of the workers great inconvenience was caused and public are harassed and the six workmen mentioned in the reference who did not attend to their duty in time were dismissed for various misconducts in the discharge of their duty.

5. Out of the six workmen who were dismissed, the first two (1) Shri Umar Suleman Sirgavkar and (2) Shri D'Souza were the sarang and engine driver respectively on the launch which ought to have started at 6 A.M. But the two workmen did not come in time to attend to their duty. They came at 6-30 A.M. due to which delay, several passengers could not avail of this service and the company was put in financial loss. Again on 6th December '65 both these workmen did not attend duty in time. The launch was to start at 3-30 A.M. But they came to duty at 6-20 A.M. and thus the launch could not start and the company was put to financial loss and the incident had damaged the reputation of the company. Hence both these workmen were charge-sheeted for misconduct of late and irregular attendance and an enquiry was held on 13th December, 1965 and as the misconduct was proved the workers were dismissed by an order dated 10th January, 1966.

6. The four workmen No. 3 to 6 are the members of the crew of the launch M. L. Mahavir No. 3 Shri Vaidya is an oilman while No. 4 to 6 are khalasis. According to the rules the launches used for the services are inspected by the authorities and on passing of the same the company can use the launch and it appears that there is regular inspection of the launches. On 21st and 22nd of November, 1965 the launch M. L. Mahavir was brought for annual survey in Darukhana and was to be laid up for inspection. Management has alleged that workman No. 3 and the khalasis 4 to 6 who were on duty were asked to take the launch on hard for inspection. But they did not obey the orders. On the contrary the workman No. 3 Shri Vaidya told the khalasis not to take the launch on hard and hence the launch was lying in mud for many days. On the 7th of January, 1966 the company had brought the surveyor from the Mercantile Marine department for inspection on paying special fees, as launch was to be taken out on high tide. But when the surveyor came the workman Shri Vaidya was sitting idle and told the khalasis to follow him. Thus Shri Vaidya not only dis-obeyed but had also induced other members of the staff not to obey orders and hence the company issued him a charge-sheet dated 28th January, 1966. The khalasis workmen No. 4 to 6 were also charged on the same day for the offence of breach of discipline. Enquiries were held and as a result of the enquiry these workmen were also dismissed by the order dated 5th February, 1966. It appears that after the charge-sheets and the notices there was some correspondence between the company and the Launch Service Employees' Association and the matter was also referred to the Conciliation Officer (Central). Both the parties were adamant and the conciliation officer had sent a failure report on which the government had referred the dispute for adjudication.

7. After the receipt of reference notices were issued to the parties. But neither the employers nor the union filed written statement. Subsequently notices were issued for the hearing dated 20th May, 1968 and both the parties were present. The Launch Employees' Association was represented by its general secretary Shri Nair. While the management was represented by one Shri Karmarkar. But on that day also none of them filed any written statement regarding the reference. But the management filed an application for adjournment which was granted and both the parties were directed to file statements on or before 27th of that month. Accordingly the management filed their written statement together with the copies of the papers of the enquiries. However the union did not think it necessary to file any written statement. Again the matter was fixed for hearing and notices were issued to both the parties. The management remained present but the union remained absent. Nobody appeared and there was no explanation for failure to attend and hence the reference was heard *ex parte*.

8. The main dispute referred for the adjudication is whether the action of the management in dismissing the six workers was justified and the important questions are—

1. Whether there was any *prima facie* case against each of the workmen.
2. Whether the workmen were given sufficient opportunity to meet the case against them and management had held proper enquiry, and
3. Whether the management had acted *mala fide* in the whole affair.

I have already observed that the union has not filed any written statement and practically there is no defence of any kind raised against the case of management on behalf of the workers. The management has filed the papers of the enquiry against the six workmen and I shall discuss from that evidence whether management has held proper enquiry and whether action of the management was *bonafide*.

9. The first two workmen Shri Umar Suleman and D'Souza were acting as sarang and engineers on the launch. They had not attended their duty in time on the 4th and 6th of December, 1965 and the company had to suffer. Hence the management had issued chargesheets against both of them on 7th December 1965. By the chargesheet they were informed to submit written explanation on or before 11th of December '65 and the enquiry against them was held on 13th December '65. They did not attend the enquiry and the management had examined one witness Shri Dada. The enquiry officer believed the evidence and had held that both these workmen had committed mis-conduct by not attending to the duty in time on 4th December '65 and 6th December '65. As a result of the enquiry the management passed an order dismissing them on 10th January 1966.

10. From the order itself it is clear that the workmen were served with the chargesheet and the notices but they deliberately remained absent and did not take part in the enquiry. In the order dt. 10th January 1966 it had been stated "when an attempt was made to serve the said show cause notice personally on you, you refused to accept the said show cause notice consequently the same was shown to you per registered A.D. post. Even this notice which was sent to you per registered A.D. post you either refused and or neglected to and or evaded service thereof and then we have been compelled to hold an *ex parte* enquiry which was held on 13th December '65". This clearly shows that the workmen no. 1 and no. 2 purposely absented themselves from the enquiry. Both of them were given the opportunity but they did not want to take part in it. The enquiry is not against the principles of natural justice and there is nothing improper in the order passed.

11. As against the four workmen nos. 3 to 6 there were two enquiries. One enquiry was against the workman no. 3 Shri Vaidya the oil man on the launch M. L. Mahavir and the other against the three khalasis. These workmen were served with the chargesheets dated 20th January 1966. All the four of them had submitted written explanations and the record shows that they have taken part in the enquiry. The management witness Shri Dada had stated how these workmen did not obey the instructions about taking the launch Mahavir on hard and how Shri Vaidya persuaded the khalasis not to act according to the instructions. Even the evidence of the workmen Shri Dange Tavaskar and Waghe to some extent shows the truthfulness of the case of the management that the workmen had not obeyed the instruction of the management. Shri Dange has admitted that on 21st and 22nd November, 1965 he was asked to take the launch on hard and he had refused. Shri Dange has also admitted that he was not doing the work as before. Thus there was *prima-facie* case against the workmen. The management has held proper enquiry and the workmen were given full opportunity to defend their case. There is absolutely nothing to show any malafides on the part of the management. No management will tolerate such insubordination and there is nothing against the principles of natural justice. The management had held proper enquiry. The mis-conduct on the part of delinquent was proved and it shall have to be held that the action of the management was justified.

12. I have already observed that the union representing the workmen was served with notices about the written statement and hearing of the reference. The union has not filed any written statement though general secretary of the union was present on the 20th of May, 1968. He did not file any written statement either on that day or on 27th. Though he is served he did not remain present. He remained absent to day for hearing. The learned Counsel for the management has submitted that all the workmen have been engaged and are working with different companies. They had no interest in the present dispute and as there is nothing improper or illegal in the enquiry the reference should be dismissed.

13. I have discussed the evidence from the record of the enquiries and did not find any thing improper with the enquiries or the procedure followed by the management. I have already observed that the matter was also referred to the conciliation officer and the management had contended that enquiry papers were also produced before the conciliation officer for inspection and copies of the same were also given to the union and it appears that the workmen and the union knew the whole of the case. The employers have in their statement stated that all the six employees took up jobs with M/s Bombay Harbour Transport Company and it appears that the workmen have reconciled with the position and did not want to take part in this reference and are not entitled to any relief.

14. Along with the order of reference the government had enclosed a copy of the failure report received from the Asstt. Labour Commissioner in this case. I have gone through the report in which Asstt. Labour Commissioner has stated the various contentions raised by the parties and how both parties were adamant. In the contentions raised by the union before the conciliation officer they have referred to the charter of demand between the parties and some arbitration proceedings. However there is nothing before me to show as to what happened about that charter. In the statement of explanations given by the four workmen, they have not referred to any such demand or any pending proceedings and there is nothing to show that any conciliation proceeding was pending. On the record I have found that the management had held proper enquiry against the workmen. There were no malafides of any kind on the part of the management. The enquiry officer had held that the mis-conduct were proved and the employers were justified in their action in dismissing these workmen and the workmen will not be entitled to any relief and hence my award accordingly.

No Order as to costs.

(Sd.) A. T. ZAMBRE,

Presiding Officer,

Central Government Industrial Tribunal,
Bombay.

[No. 28(49)/66-LR.IV.]

New Delhi, the 17th July 1968

S.O. 2677.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) First Amendment Scheme, 1968.

2. In clause 34 of the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, for the figure and words "8 holidays with pay", the figure and words "9 holidays with pay" shall be substituted.

[No. 58/2/68/Fac.II.]

ORDERS

New Delhi, the 16th July 1968

S.O. 2678.—Whereas the employers in relation to the Commissioners for the Port of Calcutta and their workmen represented by the Calcutta Port Shramik Union, Calcutta, have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the crew of the Port Commissioners' lighters who are booked on overtime beyond their normal working hours should be paid overtime for the entire anticipated period of work for which they are booked irrespective of the actual hours of overtime work performed by them is justified? If so, what should be the relief?

[No. 28(55)/68-LR.III.]

S.O. 2679.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs S. G. Sambandam, Madras, Steamer, Shipping and Clearing Agents and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Tajammul Hussain shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the management of Messrs S. G. Sambandam, Steamer, Shipping and Clearing Agents, Madras-1, was justified in terminating the services of Shri K. Krishnan, Watchman, with effect from the 1st April, 1967? If not, to what relief is the workman entitled?

[No. 29(8)/68-LR.III.]

C. RAMDAS, Under Secy.

(Department of Labour and Employment)

New Delhi, the 17th July 1968

S.O. 2680.—In exercise of the powers conferred by Sub-section (1) of section 19 of the Minimum Wages Act, 1948 (11 of 1948), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1098, dated the 23rd March, 1967, the Central Government hereby appoints the officers mentioned in column (2) of the Table below to be Inspectors for the purposes of the said Act in the areas specified against them in column (3) thereof, namely :—

TABLE

Sl. No.	Officer	Area	
(1)	(2)	(3)	
I.	(1) Chief Labour Commissioner (Central), New Delhi. (2) Deputy Chief Labour Commissioners (Central), New Delhi. (3) Director, Central Institute of Training in Industrial Relations, New Delhi. (4) Deputy Director, Central Institute of Training in Industrial Relations, New Delhi. (5) Officer on Special Duty, in the office of the Chief Labour Commissioner (Central), New Delhi. (6) Regional Labour Commissioners (Central), New Delhi. (7) Welfare Adviser to the Chief Labour Commissioner (Central), New Delhi. (8) Assistant Labour Commissioners (Central), New Delhi. (9) Assistant Director, Central Institute of Training in Industrial Relations, New Delhi. (10) Labour Enforcement Officers (Central), New Delhi.	Whole of India except the State of Jammu and Kashmir.	
II.	(1) Regional Labour Commissioner (Central), Bombay. (2) All Assistant Labour Commissioners (Central) in the Bombay Region. (3) All Labour Enforcement Officers (Central) in the Bombay Region.		The State of Maharashtra and the Union territory of Goa, Daman and Diu.

(1)	(2)	(3)
III.	(1) Regional Labour Commissioner (Central), Calcutta (2) All Assistant Labour Commissioners (Central) in the Calcutta Region. (3) All Labour Enforcement Officers (Central) in the Calcutta Region.	The States of West Bengal (excluding the Districts of Burdwan, Birbhum, Bankura and Purulia), Assam and Nagaland and the Union territories of Manipur and Tripura.
IV.	(1) Regional Labour Commissioner (Central), Madras. (2) All Assistant Labour Commissioners (Central) in the Madras Region. (3) All Labour Enforcement Officers (Central) in the Madras Region.	The States of Madras and Kerala and the Union territory of Pondicherry.
A.	(1) Regional Labour Commissioner (Central), Jabalpur. (2) All Assistant Labour Commissioners (Central), in the Jabalpur Region. (3) All Labour Enforcement Officers (Central) in the Jabalpur Region. (4) All Junior Labour Inspectors (Central) in the Jabalpur Region. (5) Labour Enforcement Officer (Central) Jhansi.	The State of Madhya Pradesh.
VI.	(1) Regional Labour Commissioner (Central), Kanpur. (2) All Assistant Labour Commissioners (Central), in the Kanpur Region. (3) All Labour Enforcement Officers (Central), in the Kanpur Region. (4) All Junior Labour Inspectors (Central) in the Kanpur Region.	The States of Uttar Pradesh, Punjab and Haryana and the Union territories of Delhi, Himachal Pradesh and Chandigarh.
VII.	(1) Regional Labour Commissioner (Central), Dhanbad. (2) All Assistant Labour Commissioners (Central) in the Dhanbad Region. (3) All Labour Enforcement Officers (Central), in the Dhanbad Region. (4) All Junior Labour Inspectors (Central) in the Dhanbad Region.	The State of Bihar.
VIII.	(1) Regional Labour Commissioner (Central), Hyderabad. (2) All Assistant Labour Commissioners (Central) in the Hyderabad Region. (3) All Labour Enforcement Officers (Central) in the Hyderabad Region. (4) All Junior Labour Inspectors (Central) in the Hyderabad Region.	The States of Mysore and Andhra Pradesh.
IX.	(1) All Assistant Labour Commissioners (Central) in the Ajmer Region. (2) All Labour Enforcement Officers (Central) in the Ajmer Region. (3) Labour Enforcement Officer (Central) Ratlam. (4) Junior Labour Inspector (Central), Agra.	The States of Rajasthan and Gujarat.
X.	(1) Regional Labour Commissioner (Central), Asansol. (2) All Assistant Labour Commissioners (Central) in the Asansol Region. (3) All Labour Enforcement Officers (Central) in the Asansol Region. (4) All Junior Labour Inspectors (Central) in the Asansol Region.	The State of Orissa and the Districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal.

(Department of Labour and Employment)*New Delhi, the 19th July 1968*

S.O. 2681.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs D.N.B.A. Brothers, 8/3 Chintamani Das Lane, Calcutta-9, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of January, 1968.

[No. 8/9/68-P.F. II.]

S.O. 2682.—Whereas it appears to the Central Government that the employer and the majority of employees in relation to the establishment known as Messrs Aluminium Products and Alloys, 65 Mahatma Gandhi Road, Bombay-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of October, 1967.

[No. 8/221/67-PF. II.]

S.O. 2683.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry, hereby specifies that the said section 6, in its application to Messrs Civcon Construction, Private Limited, Engineers and Contractors, 30 Jawaharlal Nehru Road, Calcutta-16, with effect from the 31st October, 1967, shall be subject to the modification that for the words "six and a quarter per cent", the words 'eight per cent' shall be substituted.

[No. 8(192)/67-PF. II.]

S.O. 2684.—Whereas it appears to the Central Government that the employer and the majority of employees in relation to the establishment known as Messrs Civcon Construction, Private Limited, Engineers and Contractors, 30, Jawaharlal Nehru Road, Calcutta-16 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1962), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of October, 1967.

[No. 8/192/67/PF-II.]

S.O. 2685.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry, hereby specifies that the said section 6, in its application to Messrs Civcon Civil Consultants, 30, Chowringhee Road, Calcutta-16, with effect from the 31st October, 1967, shall be subject to the modification that for the words "six and a quarter per cent" the words 'eight per cent' shall be substituted.

[No. 8(192)/67-PF. II.]

S.O. 2686.—Whereas it appears to the Central Government that the employer and the majority of employees in relation to the establishment known as Messrs Civcon, Civil Consultants, 30, Chowringhee Road, Calcutta-16, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of October, 1967.

[No. 8/192/67-PF. II.]

S.O. 2687.—Whereas it appears to the Central Government that the employer and the majority of employees in relation to the establishment known as Messrs Searle (India) Limited, Ralli House, 21, Raveline Street, Bombay-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of May, 1967.

[No. 8/135/67/PF. II.]

S.O. 2688.—Whereas it appears to the Central Government that the employer and the majority of employees in relation to the establishments known as Messrs Hind Sizing and Processing Mills, 58/3, B.T. Road, Calcutta-2, and Messrs Hind Sizing and Processing Mills, 161/1 Mahatma Gandhi Road, Calcutta-7, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishments.

This notification shall be deemed to have come into force on the 31st day of August, 1967.

[No. 8/99/68/PF. II.]

S.O. 2689.—Whereas it appears to the Central Government that the employer and the majority of employees in relation to the establishment known as K. C. Mandanna, Commission Agent and Coffee Planter, Gonicopal, Coorg, Mysore State, have agreed that the provisions of the Employees Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4553, dated the 14th December, 1967, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 23rd December, 1967, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of August, 1967.

[No. 8/129/67/PF-II.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

ORDERS

New Delhi, the 16th July 1968

S.O. 2690.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ghatkuri Iron Ore Mines of Messrs Rungta Mines (Private) Limited, Post Office Gua, District Singhbhum and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to Industrial Tribunal No. 3, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Khatkuri Iron Ore Mines of Messrs Rungta Mines (Private) Limited was justified in not granting wages as per the final recommendations of the Central Wage Board for Iron Ore Industry payable with effect from the 1st January, 1967?

If not, to what relief are the workmen entitled?

[No. 37/3/68-LRI.]

New Delhi, the 18th July 1968

S.O. 2691.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of certain Limestone Quarries in Satna area and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether in view of the refusal of the managements of (1) Messrs S. K. Kahansons & Company, Satna, (2) Messrs Jaiswal Stone and Lime Company, Satna, (3) Messrs National Stone Lime Company, Satna, (4) Messrs Diwan Lime Company, Satna, (5) Messrs S. N. Sunderson and Company, Satna, (6) Messrs Dyers Stone and Lime Company, Satna, (7) Messrs Chowrasia Lime Company, Satna, to pay the second interim relief as granted by the Central Wage Board for Limestone and Dolomite Mining Industry, the workers employed in their limestone quarries are entitled to any increase in their present wage and Dearness Allowance? If so, from what date? If not, to what other relief are the workmen entitled?

[No. 36/8/67-LRI.]

New Delhi, the 22nd July 1968

S.O. 2692.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of M/s. R. B. Seth Shreeram Durgaprasad and Fatechand Narsingdass, Sreeramanagar and their workmen, Shri Ch. Appalaswamy, in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the

Central Government hereby constitutes an Industrial Tribunal with Shri Mohamad Najmuddin, Presiding Officer, with Headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

1. Whether the dismissal of Shri Ch. Appalaswamy, Driver by the management, with effect from the 16th November, 1967, on grounds of alleged misconduct was justified?
2. If not, to what relief is the workman entitled?

[No. 35/9/68-LRI.]

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)

ORDER

New Delhi, the 19th July 1968

S.O. 2693.—Whereas the employers in relation to the Pan American World Airways, New Delhi and their workmen represented by Pan American Employees' Association, New Delhi have jointly applied to the Central Government for reference of an industrial dispute that exists between them in respect of the matters set forth in the application and reproduced in the Schedule hereto annexed;

Whereas the Central Government is of opinion that the said dispute is of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by such dispute and that the dispute should be adjudicated by a National Industrial Tribunal;

And whereas the Central Government is satisfied that the persons applying represents the majority of each party;

Now, therefore, in exercise of the powers conferred by section 7B, and sub-sections (1A) and (2) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a National Industrial Tribunal at Dhanbad of which Shri Kamla Sahai shall be the Presiding Officer and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

1. Whether the workmen are entitled to the payment of any additional bonus for each of the accounting years of 1964, 1965 and 1966 and what directions are necessary in this regard?
2. What should be the Scheme of Gratuity applicable to the employees of the Company and what directions are necessary in this regard?

[No. 17/2/68-LR. III.]

G. MISRA, Dy. Secy.

(Department of Labour and Employment)**ERRATUM**

In the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Notification No. F. 5/6/66-HI, dated 29th May, 1968, published as S.O. 1988 on page 2707 of the Gazette of India Part II—Section 3(ii), dated 3th June, 1968, the following correction is to be made:—

In the fourth line of the notification, for the figure "6" read "8".

